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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,
July 28, 2010.

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

Pastor Shawn Black, Calvary Chapel, Costa Mesa, California, offered the following prayer:

Dear Lord God in heaven, we thank You for Your faithfulness, Your hand in creating this great Nation. We acknowledge that all wisdom, guidance, and governance truly comes from You.

Lord, we acknowledge that You tear down and You alone build up. Thank You for Your hand in the affairs and the hearts of those who govern, for You steer the hearts of kings and of nations. For to You alone belong mercy, forgiveness, and grace. Help us to restore what is neglected, submitting with solitude and remaining resolute with this reflection in our lives.

May You forgive us our trespasses and renew in us a steadfast spirit, immovable, dependent upon Your truth and grace.

May You today encourage, rebuild our lives, our Nation, with the steadfast dedication in accomplishing Your will, devoted to none other than in God we trust.

United in will, submitted in spirit, we thank You, and we praise Your holy name. And in Jesus' name we pray. 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 Maine (Ms. PINGREE) come forward and lead the House in the Pledge of Allegiance.

Ms. PINGREE of Maine led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 4380. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

H.R. 5849. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

TOXIC CHEMICALS SAFETY ACT

(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, today I want to commend Chairmen WAXMAN and RUSH for introducing H.R. 5820, the Toxic Chemical Safety Act, a bill that will for the first time require the chemical industry to prove that the chemicals in our products are safe.

In America, we have too long failed to regulate chemicals and consumer products—even those that we know have links to cancer, learning disabilities, reproductive disorders, and other serious health problems.

Under the old Toxic Substance Control Act, 62,000 chemicals were grandfathered in. Only six chemicals have been banned since its passage. Not even asbestos—a widely known carcinogen—could be taken off the market.

Maine has always been the leader in toxic chemical regulation, passing new laws phasing out mercury, lead, and flame-retardant chemicals in everyday products. In 2008, our legislature passed the groundbreaking Kid-Safe Products Act that establishes a new statewide system to identify and phase out the most toxic chemicals that endanger our children.

It is time for the Nation to follow Maine's lead. It has never been more important for Congress to pass the strongest and most effective toxic chemical bill possible.

EXTEND TAX CUTS FOR THE MIDDLE CLASS

(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, it's time to give hardworking Americans incentives to invest in order to create jobs and grow the economy. We must also protect middle class Americans from significant tax hikes that are headed their way. Contrary to liberal claims, these are not tax hikes only on the wealthy.

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The picture isn't pretty if these tax hikes go into effect. If you're a family of four and your income is $50,000 a year, you could pay $2,100 in additional taxes; if you're married as a senior citizen earning $40,000 a year, you could pay $1,400 in higher taxes; a single mom making $36,000 a year could end up paying $1,100 in new taxes.

Hardworking middle class Americans across the country cannot afford an attack on creating jobs. The Federal Government cannot pay off America's debt by higher taxes.

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

EXTENDERS BILL

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

Mr. NEAL. Mr. Speaker, in December and again in May, this House passed legislation to extend a popular set of expiring tax provisions providing billions of dollars in relief to millions of American families. This tax bill passed the House and has been stymied in the other body where only two Republican Senators have stood up against their party's filibuster for these tax cuts.

The State sales tax deduction has provided parity for families living in States without an income tax.

Let me tell you who's suffering: 600,000 families in Tennessee cannot deduct $1.3 billion of State sales taxes; 2 million families in Florida cannot deduct $3 billion of State taxes; 2.2 million families in Texas cannot deduct $4 billion in State sales taxes. Nationwide, more than 12 million families cannot deduct $19.5 billion in State sales taxes.

This deduction will spur purchases for cars, boats, and school supplies. But time is slipping away. We need to tell the other side to move these Senators on the tax extenders bill because it means jobs.

DICTATOR CHAVEZ AND U.S. OIL

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

Mr. POE of Texas. Mr. Speaker, Venezuela's dictator Hugo Chavez is threatening to cut off oil supplies to the United States. Chavez doesn't like the fact America is friendly with Colombia. Since America is the biggest buyer of Venezuelan oil, Dictator Chavez thinks he has a say in American foreign policy.

American dependence on foreign oil poses a national security risk. It makes no sense at all. And why are we paying dictators and tyrants to supply us with energy? We have all of the energy we need right here at home, but we don't produce it. American-made energy provides jobs for Americans—good-paying jobs, the kind of jobs that buy houses and cars and put kids through college.

But the offshore jobs and money are moving to Indonesia, Egypt, Brazil, and Venezuela.

The moratorium on drilling in the Gulf of Mexico threatens America's jobs and economy. It is a national security issue, and it gives a brutal buffoon dictator like Hugo Chavez dangerous influence.

End the illogical, ill-advised, ill-conceived offshore drilling moratorium. It's about time.

And that's just the way it is.

IN SUPPORT OF A NATIONAL OCEAN POLICY

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

Mrs. CAPPS. Mr. Speaker, I rise today in support of the President's executive order establishing a comprehensive national ocean policy. Now, more than ever, we need a coordinated approach for the management of our ocean and coastal resources.

The tragedy in the gulf is a wake-up call. We would have been much better prepared to deal with this disaster had a national ocean policy been in place before the spill.

But Mr. Speaker, oil spills are just one threat. Overfishing and ocean acidification are also evidence of the urgent need to ensure wise stewardship of our coasts, our oceans, and the Great Lakes.

In the gulf and around the country, our communities are intimately linked to healthy coastal oceanic ecosystems. A national ocean policy will make our oceans healthier and our coastal economy stronger. It will strengthen ocean governance and coordination. It will bring a science-based approach to ocean conservation.

Mr. Speaker, I applaud the President for taking this historic step. This vision of healthy, resilient oceans will ensure that future generations can share in the wonders of our cherished seas.

□ 1010

HEALTH CARE REFORM

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

Mr. GRIFFITH. Mr. Speaker, I rise today to revisit the subject of health care reform. The bill was passed behind closed doors using bribery, deceit, and arm twisting. It is not popular with the American people, and the majority of them want it repealed.

The promises made to the American people were false. You will not be able to keep your doctor. You will not be able to keep your insurance. There will be rationing of health care, even to the seniors.

The acute physician shortage means the poor, near poor, and middle class Americans will find the quality of their health care diminished and their access limited. Emergency rooms will be busier than ever, and it will be increasingly difficult for Medicare and Medicaid patients to be seen.

The unfunded medical mandates forced onto the weakened financial systems of the States are designed to collapse and fail. The administration had no intention of keeping any of the promises it made. Their only concern was furthering their own agendas, even at the expense of the taxpayer and the American health care system.

The American people stand ready to support those of us who seek to repeal this disastrous health care bill, and I stand resolute with my colleagues to do so.

9/11 HEALTH LEGISLATION

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, this week, yesterday, we approved billions for the war in Afghanistan but Congress has yet to fully address the impact of the events that caused the war in the first place, the 9/11 terrorist attacks. On 9/11, thousands of Americans were murdered and killed in the first act of the war on terror on our soil, but thousands more on that day lost their health when they ran into burning buildings to save the lives of others. Nine long years after the attack, we have yet to approve guaranteed help for the first responders that risked their lives for others.

The House will soon vote on the 9/11 Health and Compensation Act, a bill that provides health care and compensation to the thousands of Americans that came from almost every congressional district around this country to help others. The bill is fully paid for and meets our moral responsibility to help those who came to the aid of our Nation in one of America's darkest hours.

I urge my colleagues from across the country to support this patriotic bill.

ADA ANNIVERSARY

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

Mr. REICHERT. Mr. Speaker, Monday we recognized the 20th anniversary of the Americans with Disabilities Act. It's important to recognize the work this country has done to ensure equality for people with disabilities, to make sure they experience a good quality of life; that their rights are protected; that they have access, resources, and tools to live fulfilled, productive lives.

I am thankful for the leaders who fought for this law 20 years ago because it benefits people I love, family, friends, and coworkers. But Mr. Speaker, this Congress failed our disabled community miserably this year when it passed the health care overhaul, and it did so at a steep cost.

Somehow this Congress thought, let's tax medical devices, tools that people with disabilities depend on every day. Was this the right thing to do? I don't think so. Some thought taxing pacemakers, hearing aids, prosthetics, and wheelchairs was okay, it's acceptable. If that isn't an example of broken government, I don't know what is. It's not okay. It's not acceptable. Taxing our disabled population is flat out wrong.

9/11 HEALTH AND COMPENSATION ACT

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

Mr. CROWLEY. This week when the House considers the 9/11 Health and Compensation Act, my colleagues will have a simple choice: to vote to protect foreign corporations who are avoiding paying U.S. taxes or vote to protect those who stood in protection of us on 9/11.

It has been almost 9 years since our Nation was attacked. Three thousand lives were lost, including that of my cousin, Battalion Chief John Moran. Thousands more were injured, particularly those who spent days and months cleaning up Ground Zero.

Our Nation stood together in the aftermath, defiant against those who attacked us, committed to never again let a terrorist attack occur on American soil. And we stood with the thousands who came to Ground Zero, first to look for survivors and then to clean up.

Tomorrow, the House will get a chance to fulfill our thanks to those who served us. Thousands were told by the Federal Government, ''the air is safe, return home,'' go back to work. Thousands were told that a flimsy medical mask would keep them secure and to keep searching, keep cleaning up Ground Zero. But the air was not safe and now thousands are sick.

We have a commitment to those who served us. We have a duty to pass the 9/11 Health and Compensation Act. Vote ''yes'' tomorrow. Make our Nation proud.

ANOTHER SETBACK FOR VIETNAMESE HUMAN RIGHTS

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

Mr. CAO. Mr. Speaker, earlier this year local authorities in Con Dau, Vietnam, announced the demolition of properties to make way for a tourist resort. No plans for adequate compensation or relocation were offered. At the same time, the government posted a sign forbidding burials in the local church cemetery, which, for more than 100 years, had served as the town's burial site and which the government had recognized as an historical site.

On May 4, 2010, Da Nang police intervened in the funeral of Mary Dang Thi Tan, preventing her burial at the cemetery and brutally beating 59 of the mourners. When 43-year-old Mr. Nam Nguyen refused to make false statements to authorities about the mourners, he was beaten by police and died at his home shortly thereafter.

Along with many others, this incident shows that the Government of Vietnam has no respect for human rights. To make matters worse, they defended and protected those who committed these outrageous acts.

If our Nation is to be recognized as a beacon of democracy and an advocate of human rights, we must demand the same from those we work with, especially from Vietnam, whose human rights record is atrocious.

What happened to Mr. Nguyen is an outrage and should be met with condemnation from our government and from this esteemed body.

CONGRATULATING WORLD CUP TEAM MEMBER HERCULEZ GOMEZ

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

Ms. TITUS. Mr. Speaker, I rise today to congratulate my constituent and member of the United States men's soccer World Cup team, Herculez Gomez, on his performance in the World Cup.

Herculez Gomez, a former soccer star at Las Vegas High School, was a standout forward for the United States at the World Cup. With Team U.S.A. facing a 2–0 deficit in a match with Slovenia, Coach Bob Bradley turned to Gomez to come off the bench to provide a spark to his squad. Thanks to Gomez's energy and play-making abilities, Team U.S.A. rallied for a 2–2 tie.

Although we didn't prevail in the final competition, I want to congratulate Herculez Gomez and his teammates for their performance in the tournament. Their teamwork and passion inspired millions of fans throughout the United States and was just a preview of what U.S.A. soccer can do in the future

I wish the best of luck to Herculez Gomez and welcome him home to District Three, where he is a local hero and role model to many aspiring young soccer players.

WE NEED A CONSTITUTIONAL BALANCED BUDGET AMENDMENT NOW

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

Mr. BUCHANAN. Mr. Speaker, this weekend I had an opportunity in my community, Sarasota, Florida, to talk to a couple hundred people, working families and small businesses. They've had to cut their expenses 20, 30 percent, but yet Congress is incapable of cutting its own expenses.

First 206 years, the history of our country, we accumulated a trillion dollars. The last 9 months we accumulated a trillion dollars. Last year was a trillion and a half dollar deficit. You would think after last year we would cut the expenses, no. But this year, another trillion and a half dollar deficit. Next year they're projecting another trillion and a half dollar deficit.

You can talk about Greece. We're the next Greece. We have to have a constitutional balanced budget amendment. It's a bill I introduced my first year here. It just says simply you can't spend more than you take in. We need a constitutional balanced budget amendment now.

□ 1020

SOCIAL SECURITY

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I join my colleagues today in recognizing the 75th anniversary of Social Security. Social Security has provided basic economic security for generations of Americans.

A woman from Tewksbury, Massachusetts, a city that I represent, recently wrote me to say, ''I am retired and dependent on Social Security to survive. Please protect the benefits I've worked so hard for for many years.''

Over the years, Democrats have fought to improve and strengthen Social Security. As a result, the Social Security Trust Fund has reserves of $2.6 trillion, which will continue to earn interest and pay benefits until 2037.

But imagine if Social Security benefits had been invested in the stock market during the recent Wall Street crisis. Seniors would have lost billions of dollars in Social Security income, along with any retirement savings they had when the economy collapsed.

Despite what my colleagues on the other side of the aisle would argue, subjecting Social Security to the whims of Wall Street is not the answer. We must be committed to strengthening Social Security so that our contract with American workers endures for generations.

HOLD ON TO YOUR WALLETS

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

Mr. SAM JOHNSON of Texas. America, hold on to your wallets. NANCY PELOSI and the Democrats are coming after you with higher taxes—in the middle of a recession.

Come January, tax rates are going to skyrocket on hardworking, middle class families and small businesses. A new poll says 55 percent of voters in battleground States would be less likely to vote for Democrat congressional candidates if Congress doesn't stop or delay next year's scheduled tax increases before election day.

Most small business owners file personal income taxes and will feel the tax hike, which will make it more difficult for them when they try to hire more people or give their employees a raise. This is about stopping a job-killing tax hike on small businesses during tough economic times.

Let's stop it for our future and our freedom.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that remarks in debate are to be addressed to the Chair.

BUILDING AN ECONOMY

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

Mr. DEUTCH. Mr. Speaker, Democrats are committed to building an economy where anyone can make it in America. The oil spill compels us to do this by encouraging growth in green energy. We can do this by creating new manufacturing jobs, by improving access to credit for small businesses and investing in our infrastructure, our schools, and our communities. We can encourage job creation here at home by closing tax loopholes for companies that ship jobs overseas and ending giveaways to special interests.

Despite Republican obstruction of our efforts on behalf of the American people, Democrats have delivered 6 consecutive months of private sector job growth to the American people. We are moving in the right direction, and in America we refuse to go backward.

Until every American out of work can find a good paying job, we in Congress must make it our job to pass legislation that will spur economic growth and create good opportunities for all Americans.

OBAMA ADMINISTRATION SETS WRONG RECORDS

(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, President Obama and the Democratic Congress have set six records. Unfortunately, they are not the ones the American people hoped for:

One, Americans are staying unemployed longer than ever before;

Two, for the first time since the current budget rules were adopted 35 years ago, the House will not pass a budget;

Three, the Federal debt has never been larger;

Four, the cost of health care has never been higher;

Five, we are more dependent on foreign oil than ever before;

Six, the Federal Government has taken control of an unprecedented number of private companies, according to the Congressional Research Service.

These records stifle economic growth and hurt all Americans. They are taking our country in the wrong direction.

READ LABELS ON WHAT YOU BUY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, when you start wondering where all the jobs in America have gone, just read the labels on what you buy. You will know the answer. What's happened to the proud logo, ''Made in America''?

Our jobs have gotten shipped out by the millions and millions by the multinationals. They offshored them to places where people who labor in sweatshops can't afford to buy what they make. America will create jobs here again when we start making products here again. We have been amassing a trillion dollars of trade deficit year after year. That means more imports coming in here than our imports going out.

So read labels carefully. Maytag washing machines used to be made in Newton, Iowa. Now they are made in Monterrey, Mexico. You know what? The people down there can't afford to buy what they make. Then those machines are shipped back here. And did you notice the price for us didn't go down? Hundreds and hundreds and hundreds and hundreds and thousands and millions of our jobs were outsourced to places where some of our students can't even spell the names.

Did you know 10 percent of the exports out of China go to one company? Wal-Mart, you guessed it—clothing, tools, gloves, even frozen fish.

When you start wondering where all the jobs have gone, just read the labels on what you buy. You will find the right answer. It's time to make goods in America again.

BP OIL SPILL

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

Mr. FLEMING. Mr. Speaker, last week in my home State of Louisiana, nearly 15,000 citizens gathered to rally against the Obama administration's destructive moratorium on offshore drilling. The Rally for Economic Survival was meant to send a message to Washington that this moratorium is causing serious damage to the gulf coast economy.

While speaking to the thousands of concerned gulf coast citizens, Governor Bobby Jindal put forth another plea to the Obama administration pointing out that the moratorium is causing just as much damage as the spill itself. Here is a quote from Governor Jindal: ''We shouldn't have to fight our own Federal Government. Just as we are fighting one disaster, we're fighting another disaster caused by Washington, D.C.''

Mr. Speaker, let me be clear, this spill is tragic and it was caused by BP. Those responsible must be held accountable and we need to find the root cause of the spill. However, history will show that President Obama did even more damage to the economy than BP through his destructive drilling moratorium.

SOCIAL SECURITY

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, in the 1930s, over half of our seniors lived in poverty. They survived on whatever friends and relatives could spare. So Congress created a shield against common threats like old age and disability.

For 75 years, Social Security has protected millions of Americans. For 75 years, it's been our government's bedrock promise. For 75 years, it's helped people like Janice Moore, whose husband passed away 13 years ago, leaving Janice and their three children to fend for themselves.

Republicans want to hand this over to Wall Street. It's the same privatization scheme they tried 5 years back. If they had succeeded, we would have lost trillions in the stock market. But Democrats and the American people said ''no.''

Today, we again reject these schemes and say ''yes'' to Social Security's promise—protecting American lives for another 75 years and many generations to come.

BORDER SECURITY FUNDING CUTS

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

Ms. GIFFORDS. Mr. Speaker, I am absolutely appalled the United States Senate eliminated over $700 million for protecting our U.S.-Mexico border. This appropriations bill in the Senate included money to deploy the National Guard to Arizona and increase the number of Border Patrol agents and surveillance systems on the border.

By refusing to approve these funds, the United States said ''no'' to supporting the troops who will be arriving on the border next week. The Senate said ''no'' to increasing Border Patrol agents who would stop the flow of illegal drugs and illegal immigrants into our country. And the Senate said ''no'' to protecting ranchers and border residents in my district.

Since Thursday, I have been fighting to reinstate the funding stripped out by the Senate, and I am pleased that the House will consider an emergency supplemental border security measure today. I am proud to be an original sponsor of that bill, and I urge Members on both sides of the aisle to pass it without delay.

The failure by our Senate to provide the border resources that Arizonans

and all Americans deserve represents Washington at its worst. It's also a sober reminder to all of us that the fight to strengthen border security is not over.

□ 1030

MAKE IT IN AMERICA

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

Mr. CARNAHAN. Mr. Speaker, I rise today in support of the Democrats' Make it in America initiative.

In my home State of Missouri, we make things. Manufacturing has always been a source of enormous pride and good-paying jobs for Missourians, particularly in the part of the State surrounding St. Louis that I represent.

It's no secret that American manufacturing has had some hard times, but with Make it in America, we are reinvigorating that spirit of making things of American entrepreneurship. We are working to promote American jobs and put an end to policies that ship our jobs overseas. That is why we need to close tax loopholes that allow for outsourcing of U.S. jobs. We can use that savings to fund hometown tax credits to help small businesses expand American manufacturing. We are already strengthening the rules, ensuring the U.S. and its contractors buy American when building our transportation, energy and communications infrastructure.

We must keep going and fulfill the Make it in America agenda to ensure a new prosperity by promoting the competitiveness and innovation of the American people.

WHERE ARE THE JOBS?

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

Mr. SHIMKUS. Mr. Speaker, there is one question. The question is: Where are the jobs?

We are at 9.5 percent unemployment and nearly 15 million people out of work. Since President Obama has been elected, we've spent over $6.1 trillion in just these 18 months.

Why are there no jobs? Because there is uncertainty displayed by this administration and this Congress—there is uncertainty on energy costs, there is uncertainty about health care costs, there is uncertainty about taxes. Like a businessman told me just yesterday, you can't raise our taxes and expect us to hire more people and create new jobs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

NATIONAL MANUFACTURING STRATEGY ACT OF 2010

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4692) to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4692

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Manufacturing Strategy Act of 2010''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should promote policies related to the Nation's manufacturing sector that are intended to promote growth, sustainability, and competitiveness; create well-paying, decent jobs; enable innovation and investment; and support national security; and

(2) the President and Congress should act promptly to pursue policies consistent with a National Manufacturing Strategy.

SEC. 3. NATIONAL MANUFACTURING STRATEGY.

(a) STRATEGY REQUIRED.—Not later than the first day of July of the second year of each Presidential term, the President shall submit to Congress, and publish on a public website, a National Manufacturing Strategy.

(b) DEADLINE FOR FIRST NATIONAL MANUFACTURING STRATEGY.—Notwithstanding subsection (a), the President shall issue the first National Manufacturing Strategy not later than the date that is one year after the date of the enactment of this Act.

SEC. 4. PRESIDENT'S MANUFACTURING STRATEGY BOARD.

(a) IN GENERAL.—The President shall establish, within the Department of Commerce, the President's Manufacturing Strategy Board.

(b) PUBLIC SECTOR MEMBERS.—The President's Manufacturing Strategy Board shall include the following individuals:

(1) The Secretary or head (or the designee of the Secretary or head) of each of the following organizations:

(A) The Department of the Treasury.

(B) The Department of Defense.

(C) The Department of Commerce.

(D) The Department of Labor.

(E) The Department of Energy.

(F) The Office of the United States Trade Representative.

(G) The Office of Management and Budget.

(H) The Office of Science and Technology Policy.

(I) The Small Business Administration.

(J) Other Federal agencies the President determines appropriate.

(2) The Governors of two States, from different political parties, appointed by the President in consultation with the National Governors Association.

(c) PRIVATE SECTOR MEMBERS.—

(1) IN GENERAL.—The President's Manufacturing Strategy Board shall further include 9 individuals from the private sector, appointed by the President after consultation with industry and labor organizations, including individuals with experience in the areas of—

(A) managing manufacturing companies;

(B) managing supply chain providers;

(C) managing labor organizations;

(D) workforce development;

(E) conducting manufacturing-related research and development; and

(F) the defense industrial base.

(2) BALANCE IN REPRESENTATION.—In making appointments of private sector members to the President's Manufacturing Strategy Board under paragraph (1), the President shall seek to ensure that the individuals appointed represent a balance among and within regions, sizes of firms, and industries of the manufacturing sector.

(3) TERMS.—

(A) IN GENERAL.—Each member appointed under this subsection shall be appointed for a term of 6 years, except as provided in subparagraphs (B) and (C).

(B) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(i) 3 shall be appointed for a term of 2 years;

(ii) 3 shall be appointed for a term of 4 years; and

(iii) 3 shall be appointed for a term of 6 years.

(C) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a new member has been appointed.

(d) CHAIR AND VICE CHAIR.—

(1) CHAIR.—The Secretary of Commerce (or the designee of the Secretary) shall serve as the Chair of the President's Manufacturing Strategy Board.

(2) VICE CHAIR.—The President shall appoint the Vice Chair of the President's Manufacturing Strategy Board from among the private sector members appointed by the President under subsection (c).

(e) SUBGROUPS.—The President's Manufacturing Strategy Board may convene subgroups to address particular industries, policy topics, or other matters. Such subgroups may include members representing any of the following:

(1) Such other Federal agencies as the Chair determines appropriate.

(2) State, local, tribal, and Territorial governments.

(3) The private sector, including labor, industry, academia, trade associations, and other appropriate groups.

(f) MEETINGS.—

(1) TIMING OF MEETINGS.—The President's Manufacturing Strategy Board shall meet at the call of the Chair.

(2) FREQUENCY OF MEETINGS.—The President's Manufacturing Strategy Board shall meet not less than 2 times each year, and not less than 4 times in a year preceding the issuance of a National Manufacturing Strategy required under section 3(a).

(3) PUBLIC MEETINGS REQUIRED.—The President's Manufacturing Strategy Board shall convene public meetings to solicit views on the Nation's manufacturing sector and recommendations for the National Manufacturing Strategy.

(4) LOCATIONS OF PUBLIC MEETINGS.—The locations of public meetings convened under paragraph (3) shall ensure the inclusion of multiple regions and industries of the manufacturing sector.

(g) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the President's Manufacturing Strategy Board, including any subgroups established pursuant subsection (e).

SEC. 5. DUTIES OF THE PRESIDENT'S MANUFACTURING STRATEGY BOARD.

(a) IN GENERAL.—The President's Manufacturing Strategy Board shall—

(1) advise the President and Congress on issues affecting the Nation's manufacturing sector;

(2) conduct a comprehensive analysis in accordance with subsection (b);

(3) develop a National Manufacturing Strategy in accordance with subsection (c);

(4) submit to the President and Congress an annual report under subsection (d); and

(5) carry out other activities determined appropriate by the President.

(b) COMPREHENSIVE ANALYSIS.—In developing each National Manufacturing Strategy under subsection (c), the President's Manufacturing Strategy Board shall conduct a comprehensive analysis of the Nation's manufacturing sector that addresses—

(1) the value and role, both historic and current, of manufacturing in the Nation's economy, security, and global leadership;

(2) the current domestic and international environment for the Nation's manufacturing sector, and any relevant subset thereof;

(3) Federal, State, local, and Territorial policies, programs, and conditions that affect manufacturing;

(4) a comparison of the manufacturing policies and strategies of the United States relative to other nations' policies and strategies;

(5) the identification of emerging or evolving markets, technologies, and products for which the Nation's manufacturers could compete;

(6) the short- and long-term forecasts for the Nation's manufacturing sector, and forecasts of expected national and international trends and factors likely to affect such sector in the future; and

(7) any other matters affecting the competitiveness, growth, stability, and sustainability of the Nation's manufacturing sector, including—

(A) levels of domestic production;

(B) productivity;

(C) the trade balance;

(D) financing and investment;

(E) research and development;

(F) job creation and employment disparities;

(G) workforce skills and development; and

(H) adequacy of the industrial base for maintaining national security.

(c) NATIONAL MANUFACTURING STRATEGY.—

(1) DEVELOPMENT.—The President's Manufacturing Strategy Board shall develop a National Manufacturing Strategy, based on—

(A) the results of the comprehensive analysis conducted under subsection (b);

(B) the studies carried out by the National Academy of Sciences pursuant to section 7; and

(C) any other information, studies, or perspectives that the President's Manufacturing Strategy Board determines to be appropriate.

(2) GOALS AND RECOMMENDATIONS.—

(A) GOALS.—The President's Manufacturing Strategy Board shall include in each National Manufacturing Strategy short- and long-term goals for the Nation's manufacturing sector, taking into account the matters addressed in the comprehensive analysis conducted under subsection (b).

(B) RECOMMENDATIONS.—The President's Manufacturing Strategy Board shall include in each National Manufacturing Strategy recommendations for achieving the goals provided under subparagraph (A). Such recommendations may propose—

(i) actions to be taken by the President, Congress, State, local, and Territorial governments, the private sector, universities, industry associations, and other stakeholders; and

(ii) ways to improve Government policies, coordination among entities developing such policies, and Government interaction with the manufacturing sector.

(3) REPORT.—

(A) DRAFT.—Not later than 90 days before the date on which the President is required to submit to Congress a report containing a National Manufacturing Strategy under section 3, the President's Manufacturing Strategy Board shall publish in the Federal Register and on a public website a draft report containing a National Manufacturing Strategy.

(B) PUBLIC COMMENT; REVIEW AND REVISION.—A draft report published under subparagraph (A) shall remain available for public comment for a period of 30 days from the date of publication. The President's Manufacturing Strategy Board shall review any comments received regarding such draft report and may revise the draft report based upon those comments.

(C) PUBLICATION.—Not later than 30 days before the date on which the President is required to submit to Congress a report containing a National Manufacturing Strategy under section 3, the President's Manufacturing Strategy Board shall submit to the President for review and revision a final report containing a National Manufacturing Strategy, and shall publish such final report on a public website.

(D) ESTIMATES.—The final report submitted under subparagraph (C) shall include—

(i) when feasible, an estimate of the short- and long-term Federal Government outlays and revenue changes necessary to implement the National Manufacturing Strategy and an estimate of savings that may be derived from implementation of the National Manufacturing Strategy;

(ii) a detailed explanation of the methods and analysis used to determine the estimates included under clause (i); and

(iii) detailed recommendations regarding how to pay for the cost of implementation estimated under clause (i), when feasible.

(d) ANNUAL REPORT.—Not later than the date that is one year after the date on which the first National Manufacturing Strategy is published under section 3, and annually thereafter, the President's Manufacturing Strategy Board shall submit to the President and Congress a report that includes—

(1) views on the current state of manufacturing in the United States;

(2) an assessment of the implementation of previously issued National Manufacturing Strategies;

(3) recommendations for furthering the implementation of previously issued National Manufacturing Strategies; and

(4) any suggested revisions to the estimate required under section 5(c)(3)(D)(i) to implement the recommendations included under paragraph (3).

(e) CONSULTATION.—In order to gain perspectives and avoid duplication of efforts, the President's Manufacturing Strategy Board shall consult on manufacturing issues with the Defense Science Board, the President's Council of Advisors on Science and Technology, the Manufacturing Council established by the Department of Commerce, and the Labor Advisory Committee for Trade Negotiations and Trade Policy, and may consult with other relevant governmental entities or the private sector.

SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF NATIONAL MANUFACTURING STRATEGY.

Not later than the first day of April in calendar years 2013, 2017, and 2021, the Comptroller General shall submit to Congress a report regarding the National Manufacturing Strategy published under section 3. The report shall include—

(1) an assessment of whether the recommendations from such National Manufacturing Strategy, and any preceding National Manufacturing Strategies, were implemented;

(2) an analysis of the impact of such recommendations, to the extent data are available;

(3) a review of the process involved in developing such National Manufacturing Strategy and any preceding National Manufacturing Strategies; and

(4) recommendations for improvements in developing the next National Manufacturing Strategy.

SEC. 7. STUDIES.

(a) QUADRENNIAL STUDY.—

(1) IN GENERAL.—In developing each National Manufacturing Strategy, the President, acting through the Secretary of Commerce, shall enter into an agreement with the National Academy of Sciences to conduct a study in accordance with this subsection.

(2) ELEMENTS.—The study shall examine the following:

(A) The current state of manufacturing in the United States.

(B) Federal programs and activities related to manufacturing systems.

(C) The ways in which Federal policies affect manufacturing, and likely future trends in manufacturing if such policies remain unchanged.

(D) Various possible approaches for evaluating the implementation of the National Manufacturing Strategy.

(E) An assessment of the trends and short- and long-term forecasts of manufacturing.

(F) A review of the trends and short- and long-term forecasts of manufacturing relied upon in previous National Manufacturing Strategies as compared with actual events and trends.

(3) REPORT.—The agreement entered into under paragraph (1) shall provide that not later than the first day of April of the first year of each Presidential term, the National Academy of Sciences shall submit to Congress and the President a report containing the findings of the study.

(4) DEADLINE FOR FIRST REPORT.—Notwithstanding paragraph (3), the first agreement entered into under this subsection shall provide that the National Academy of Sciences shall submit to Congress and the President a report containing the findings of the study not later than 2 years after the date such agreement is entered into.

(5) DEADLINE FOR SUBSEQUENT AGREEMENTS.—After the first agreement entered into under this subsection, all subsequent agreements under this subsection shall be entered into not later than 18 months before the deadline for submission of the corresponding report under paragraph (3).

(b) DISCRETIONARY STUDIES.—The President, acting through the Secretary of Commerce, may enter into further agreements with the National Academy of Sciences as necessary to develop studies to provide information for future National Manufacturing Strategies.

SEC. 8. REQUIREMENT TO CONSIDER NATIONAL MANUFACTURING STRATEGY IN BUDGET.

In preparing the budget for a fiscal year under section 1105(a) of title 31, United States Code, the President shall include information regarding the consistency of the budget with the goals and recommendations included in National Manufacturing Strategy covering that fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 4692, the National Manufacturing Strategy Act of 2010, introduced by my dear friend from Illinois, Congressman DAN LIPINSKI. I commend

him for his leadership on this important issue.

Mr. Speaker, it is time for the U.S. to revise our manufacturing policy. This bill under consideration has gained strong bipartisan support from Members of Congress because it speaks to the level of leadership in the manufacturing arena that our Nation seeks to assert once again on the global stage.

America's manufacturing sector is an essential foundation of our Nation's economy. Consider the fact that in 2009 the manufacturing sector employed more than 11.5 million people. Ladies and gentlemen, that number, though significant, is not as good as it could be when you consider that 10 years ago America's manufacturing sector employed 17.3 million people, meaning that our Nation actually lost 5.8 million manufacturing jobs between the years 1999 and 2009.

The National Manufacturing Strategy Act of 2010 will make a significant difference in helping to restore and reposition our Nation's manufacturing capacity so that American workers can compete in today's global economy.

Today, we are still fighting our way through a global financial crisis, and we are facing aggressive competition from industrialized nations as well as emerging countries. Some of our manufacturing competitors have designed and implemented 5- or 10-year strategic plans to allow their economies to not only compete globally, but also to exploit their goods to our markets here in the U.S. The sad fact of the matter is that these international markets are not reciprocating, Mr. Speaker, by welcoming our U.S. goods to their marketplace.

In recent years, the U.S. has actually lost market share to growing export countries like China, regional areas like Southeast Asia, and countries like India. If we do not act now, this steady decline will continue to exist and it will also persist. We simply cannot allow that to happen.

This bill requires the President to undertake a deep and broad analysis of the Nation's manufacturing sector, including the international economic environment, related technological development, workforce elements, the impact of governmental policies, and other relevant issues affecting domestic manufacturers.

I also added a provision requiring analysis on the trade imbalance, job creation, employment disparities, and workforce development. Based on this analysis, Mr. Speaker, the President, in collaboration with key Cabinet officials within his administration, as well as Governors, State and local elected officials and other key stakeholders in the public and private sectors, will develop a 4-year national strategy that identifies goals and makes recommendations to improve our Nation's economic growth.

Mr. Speaker, I urge my colleagues to support this bill and to help our manufacturing sector become bigger, become bolder, and become better than it was in the distant past.

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

□ 1040

The SPEAKER pro tempore. Without objection, the gentleman from Kentucky (Mr. WHITFIELD) will control the time.

There was no objection.

Mr. WHITFIELD. First of all, I do want to thank Congressman LIPINSKI of Illinois for introducing this legislation on the National Manufacturing Strategy Act.

Mr. Speaker, I think we all recognize in America today that our manufacturing sector, while still one of the strongest in the world, has lost a lot of manufacturing jobs. In fact, we have lost way too many. This legislation, while providing additional studies to look at the problems for our manufacturing sector, I firmly believe does not go far enough and does not address the real problems with manufacturing in America today.

One issue that we certainly need to look at, in my view, is the American tax policy. It is my understanding that the United States has the second-highest corporate tax rate in the developed world and will soon move into the No. 1 slot because Japan, evidently, is getting ready to drop its corporate income tax rate.

We also know that, already in the Federal Government, there are many task forces that are looking at this manufacturing issue. For example, there is an Interagency Working Group on Manufacturing Competitiveness. The Commerce Department has a manufacturing council. The Manufacturing Extension Partnership Program is in existence, and the Interagency Working Group on Manufacturing Research and Development is operating today. Additionally, both the Department of Commerce under the Bush administration and the White House under President Obama has issued reports and recommendations on the state of domestic manufacturing.

Then just recently, in June of this year, the National Manufacturers Association issued an extensive report on what was needed in America to make manufacturing in America more competitive. One of the things that I pointed out was tax policy and a more aggressive trade policy to have tariffs lowered in other countries. Then the ability to compete in the global marketplace is vitally important.

One of the reasons I have been very much concerned about some of the energy policies of this administration, particularly as they relate to cap-and-trade, is that, if that kind of legislation is adopted, it is going to increase electricity costs and make manufacturing in America less competitive in the global marketplace.

The CEO of CSX Railroads was in my office 2 weeks ago. He said the railroads are moving more coal to the ports for export to China today than they ever have in the past. He also said the same thing is happening in Australia. The reason for that is that the Chinese are depending more and more upon coal to produce electricity. A delegation of them came to Washington, and said one of the reasons they were doing it was that they wanted the lowest electricity costs in order to be more competitive in the global marketplace and to encourage more manufacturing plants to move to China.

So I think we need to take concrete action. We know the problems. I will say that this legislation will provide an additional study, and that may be important.

I would like to commend Chairman RUSH and Mr. LIPINSKI, because I think they improved this bill a great deal when they eliminated the task force and created one strategy board so that there would be less repetitiveness on the studies that this legislation calls for.

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

Mr. RUSH. Mr. Speaker, I yield 5 minutes to the author of the legislation, my friend and an outstanding Member of this House, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of H.R. 4692, the National Manufacturing Strategy Act.

Over the past decade, almost one-third of American manufacturing jobs have disappeared. After 110 years as the world's top manufacturing country, the United States is about to lose that perch to China. We all know how hard it is when we go anywhere to buy toys, tools—whatever it is, we know how hard it is to find ''made in the USA'' on a label, but American manufacturing job loss is not inevitable, and I do not accept the notion that there is nothing that we can do. Clearly, another decade like the last one would dramatically undermine the American middle class and our national security.

That is why I introduced the National Manufacturing Strategy Act. I worked with business, labor, and trade organizations to make this a bipartisan bill with broad support, and I submit for the RECORD letters of this support from some of these organizations.

The Strategy Act requires the President to appoint a board composed of government and private-sector personnel to conduct an in-depth analysis of American manufacturing. Then they must produce a strategy that includes short-term and long-term goals for creating jobs, improving domestic production, investment, international competitiveness, and for assuring an adequate defense industrial base.

Finally, the President and the board must deliver specific recommendations for accomplishing these goals. Like America's Quadrennial Defense Review, the manufacturing strategy will be updated every 4 years, enabling us to build upon successful initiatives

while correcting course as necessary. The Government Accountability Office will have to produce an analysis of progress on the implementation of the strategy. All of this is designed to make sure that the board is producing something and that we are following through on it.

Mr. Speaker, the passage of the National Manufacturing Strategy Act will ensure that American manufacturing remains on the national agenda. Numerous other countries already have manufacturing strategies, including not only China and India, but the United Kingdom, Canada, Brazil, Japan, and Germany. It is about time that America does the same before it is too late for middle class Americans and for our national security.

Some may say that the time for American manufacturing has passed. I don't believe this. I know that American manufacturers can compete with anyone in the world if we have a level playing field and if we are planning ahead. In my district, from Atlas Tool & Die, to Corey Steel, to Archer Wire, to West Bend, to ODM, they are just a few of the manufacturers who are making it and are having a difficult time, but they can do it. All American manufacturers can do it because America has the greatest manufacturers in the world.

I would like to thank Majority Leader HOYER and Caucus Chairman LARSON for bringing this bill to the floor. I would like to thank Congressman BRALEY for his work on this, along with Chairman BOBBY RUSH and Ranking Member WHITFIELD for the work that they did in improving this bill. Thank you for your comments.

I wanted to make sure that we made this a strong bipartisan bill that we could agree upon. There are a lot of issues that are out there, and I believe we must continue to promote policies to help create jobs immediately. We are not going to agree on all of those, but I think this is something that we can agree upon. The National Manufacturing Strategy Act establishes a process for strengthening American manufacturing over the long term, and it is something that we must do.

I ask my colleagues today to support this important legislation. Pass this bill.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, July 15, 2010.

Hon. DANIEL LIPINSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LIPINKSI: On behalf of the ten million working men and women of the AFL-CIO, I write in support of the National Manufacturing Strategy Act of 2010 (NMSA), H.R. 4692.

The quickest road to economic recovery and reversing high unemployment is boosting domestic production and creating good paying jobs right here at home. The best way to pursue this is by developing a comprehensive strategy to pursue these goals.

The NMSA provides a road map to do just that by requiring the President to conduct a thorough analysis of the U.S. manufacturing sector and prepare a quadrennial report to Congress. This report must include short and long-term recommendations as well as plans for improving domestic production, investment and competitiveness.

This important work would be conducted by a governmental Manufacturing Strategy Task Force comprised of federal officials and governors and convened by the President. The task force would be assigned with soliciting public views; holding public meetings, assessing manufacturing policy; and supporting the President's overall manufacturing strategy.

Over the past decade too many investors and domestic businesses focused on short-term profits and outsourcing of jobs. It is time to refocus and recommit the United States to a long-term strategy of domestic prosperity and sustainability. The NMSA is a key component to starting that process.

The National Manufacturing Strategy Act has bipartisan sponsorship and is supported by the AFL-CIO.

Sincerely,

WILLIAM SAMUEL,
Director,
Government Affairs Department.

THE ASSOCIATION FOR MANUFACTURING TECHNOLOGY,
McLean, VA, March 1, 2010.

Hon. DANIEL LIPINSKI,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: I am writing on behalf of AMT—The Association For Manufacturing Technology—to applaud your leadership in introducing the National Manufacturing Strategy Act (H.R. 4692). AMT supports your efforts to strengthen America's manufacturing sector and ensure that its competitiveness remains a top priority of the U.S. government.

AMT represents U.S.-based manufacturing technology companies. Our members provide the tools that enable production of all manufactured goods. The recession has hit capital intensive industries, like ours, particularly hard; but we remain committed to forging a strong and prosperous future. Our national security and economic growth depend on it.

AMT welcomes the opportunity to work with you and your colleagues in advancing manufacturing to the top of our national agenda. We recognize that it will take a coordinated effort from all stakeholders—our government, business leaders and their workers, communities, and academia—to regain our competitive position. H.R. 4692 takes the important step of calling for a formal strategy to address our short and long term challenges. American manufacturers need a cohesive public policy plan that will encourage and support our ventures in creating innovative products, diversifying into new industries and capturing emerging markets. That is the path to worldwide leadership.

I have taken the liberty of letting AMT members in Illinois know of your efforts to rebuild and strengthen this critical sector of the U.S. economy. Thank you again for your support.

Best regards,

DOUGLAS K. WOODS,
President.

PRECISION METALFORMING ASSOCIATION AND NATIONAL TOOLING & MACHINING ASSOCIATION,
March 9, 2010.

Hon. DANIEL LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: On behalf of One Voice, the joint effort between the National Tooling and Machining Association (NTMA) and the Precision Metalforming Association (PMA), and our nearly 3,000 metalworking member companies, thank you for your leadership and continued efforts to address the issues facing businesses manufacturing in America. Your introduction of H.R. 4692, the National Manufacturing Strategy Act of 2010, is an important step in developing a cohesive national manufacturing strategy to support the growth and improvement of manufacturers across the country.

Manufacturing businesses employ nearly 12 million Americans and represent more than 10 percent of our entire economy, and is vital for the future of our economic and national security. In order to revitalize American manufacturing, we need our own national pro-manufacturing strategy to advance policies that will enhance U.S. industrial competitiveness. The National Manufacturing Strategy Act will put in place a process to promote policies to support a strong, vibrant national manufacturing base. It is a crucial first step to revitalize American manufacturing.

Thank you for your consideration and your leadership on behalf of the metalworking industry.

Sincerely,

WILLIAM E. GASKIN,
PMA President.
ROBERT AKERS,
NTMA Chief Operating Officer.

THE COLD FINISHED STEEL BAR INSTITUTE,
Washington, DC, July 14, 2010.

Hon. BOBBY L. RUSH,
Chairman, Subcommittee on Commerce, Trade and Consumer Protection, Energy & Commerce Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN RUSH: The Cold Finished Steel Bar Institute (CFSBI) commends you for holding a hearing on H.R. 4692, the ''Manufacturing Strategy Act of 2010'' and requests that this letter be included in the official record of the hearing. Cold finished steel bar is incorporated into a wide range of consumer, industrial, aerospace, medical, and military products. The ultimate consumers of cold finished steel bars are small and medium-size independently owned precision machining companies across the country. The U.S. cold finished steel bar industry produces high-quality products on an efficient and cost-competitive basis, using highly-trained workers under environmentally sound conditions. The CFSBI is a trade association of these producers who account for over 85 percent of all U.S. cold finished steel bar production.

The CFSBI supports this legislation and included a strong statement of support for it in its 2010 White Paper, ''Strong Medicine for Manufacturing.'' This paper recommended a number of actions the Congress and the Administration should take to support U.S. manufacturers. Our first recommendation on behalf of a stronger and more stable manufacturing sector in the United States was passage of H.R. 4692: Pass the ''Manufacturing Strategy Act.'' On February 25, 2010, Congressman Dan Lipinski (D-IL) introduced a bill that directs the President, every four years, to conduct a comprehensive analysis of the nation's manufacturing sector and submit to Congress a National Manufacturing Strategy (Strategy). The bill requires the President, in developing each Strategy, to convene an inter-agency U.S. government Manufacturing Strategy Task Force and a private-sector Manufacturing Strategy Board to make recommendations regarding specific issues to be incorporated into the Strategy, including short- and long-term

goals for the manufacturing sector. This bill will not solve the problems facing U.S. manufacturers, but it is an excellent first step. Congressman Lipinski recognizes that a sound manufacturing strategy cannot be developed agency-by-agency. A successful solution will require an integrated approach across multiple agencies in the U.S. government, working in partnership with the private sector. The Administration is using a similar approach to address problems with health care, financial markets, and energy; manufacturing also deserves a comprehensive focus.

The CFSBI and its member companies applaud Congressman LIPINSKI for authoring this important legislation. We hope that this hearing is the first step in successful consideration of H.R. 4692 in the House of Representatives and that the Senate will follow suit.

Sincerely,

JOHN W. KENEFICK,
CHAIRMAN, COLD FINISHED STEEL BAR INSTITUTE.

AEROSPACE INDUSTRIES ASSOCIATION,
Arlington, VA, March 15, 2010.

Hon. DANIEL LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: Thank you for the opportunity to provide the aerospace and defense industry's comments on the National Manufacturing Strategy Act of 2010. As you may know, the Aerospace Industries Association (AIA) represents nearly 300 manufacturing companies with over 644,200 high-wage, high skilled aerospace employees across the civil aviation, space systems, and national defense. Our member companies export nearly 40 percent of their total output, and we routinely post the nation's largest manufacturing trade surplus, $56 billion in 2009. Aerospace indirectly supports 2 million middle class jobs and 30,000 suppliers from all 50 states. The aerospace industry continues to look to the future, investing heavily in R&D, spending well more than $100 billion over the last 15 years.

The aerospace industry commends you for the hard work and interest you have shown to the nation's manufacturing capability. We share many of the same goals outlined by your legislation including the creation of high-quality jobs; increased productivity, exports, and global competitiveness; increased domestic manufacturing capacity; and expanded research and development activities to encourage innovation. The requirement for a detailed analysis of the U.S. manufacturing base and creation of an interagency task force will certainly help improve the government's understanding of the challenges faced by this vital industry.

We also appreciate the requirement for a detailed review of tax, federal procurement, workforce development, and export control reform policies. AIA has issued a number of reports in these areas and would be pleased to work with the task force in an effort to share the perspective of the aerospace industry. With the creation of the Manufacturing Strategy Board, we hope that the President will also consider a strong representation from the aerospace sector given our role as one of the leading manufacturing industries.

Thank you again for your interest, hard work, and efforts to address the needs of our nation's manufacturing sector.

Best regards,

MARION C. BLAKEY.

NATIONAL DEFENSE INDUSTRIAL ASSOCIATION,
Arlington, VA, March 16, 2010.

Hon. DANIEL LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR MR. LIPINSKI: The National Defense Industrial Association (NDIA) offers its strong support for H.R. 4692, the National Manufacturing Strategy Act of 2010. NDIA, with just over 1,700 corporate members and nearly 80,000 individual members, is America's leading Defense Industry association promoting national security. As such, we understand the importance of a strong U.S. manufacturing base and the need for a national manufacturing strategy.

A vibrant industrial base is critical to U.S. national security, for both economic and materiel supply reasons. The U.S. industrial base represents a critical element of the economic power of our country. Although about 12 percent of total U.S. GDP is generated directly by the industrial base, it is responsible for a much larger portion, as much as one third of total GDP, when considering the commodities and services that manufacturers consume. Further, over 60 percent of total U.S. exports are manufactured goods and about 10 percent of total employment is within the industrial base.

The national security is also dependent upon the uninterrupted supply of critical materials, systems and logistics support. This is especially true for the needs of our armed forces and homeland security. To guarantee this supply we must ensure the continued viability of the production capabilities of the U.S. industrial base. We simply cannot rely on developing or potentially adversarial nations for these critical supplies.

A national manufacturing strategy, such as proposed by H.R. 4692, provides the U.S. with an understanding of critical industrial base issues and their impact on our nation. It will also provide a common direction for future government, academia and industrial programs and a focus for these organizations to leverage each other's efforts for the common good. A national manufacturing strategy will also put the U.S. on an equal strategic footing with many other countries that have had national strategic plans in place for some time.

Mr. Lipinski, NDIA strongly supports H.R. 4692, the National Manufacturing Strategy Act of 2010 and encourages all members of Congress to consider the significant contribution that such a strategy will have on the U.S. industrial base, we ask that they endorse the passage of this critical bill.

Sincerely and Respectfully,

LAWRENCE P. FARRELL, JR.,
Lieutenant General, USAF (Ret.),
President and CEO, NDIA.

COALITION FOR A PROSPEROUS AMERICA,
Sheffield, MA, April 27, 2010.

Hon. DANIEL LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: The Coalition for a Prosperous America is pleased to announce that we have endorsed your National Manufacturing Strategy Act, H.R. 4692.

The United States is the only major country that does not have an industrial strategy. Every one of our trading rivals has a plan that considers their industrial sector in terms of many factors including national security, economic growth, full employment, and geopolitical competition. The fact that the U.S. has no such plan is a key component in our economic problems.

Your National Manufacturing Strategy Act requires the creation of a process to devise a national manufacturing strategy. Such a plan will consider the role of manufacturing in national security, achieving full employment, increasing global competitiveness, and other important factors. We would suggest strengthening the bill with more action steps beyond procedural items already listed, and would be pleased to work with you accordingly.

Today, too many disparate agencies lay claim to portions of what would otherwise be a national manufacturing strategy. Some in Washington call this the ''silo'' approach. We need government to break down these silos. Tax, trade, currency valuation, innovation, infrastructure, government procurement and other important topics should be considered in a cohesive plan.

We retooled our country to successfully fight and win World War II. We need to be able to do this again today. CPA is pleased to offer our support and thanks for your efforts.

Respectfully,

BRIAN O'SHAUGHNESSY,
Chief Co-Chair, Manufacturing Co-Chair.
JOE LOGAN,
Agriculture Co-Chair.
ROBERT BAUGH,
Labor Co-Chair.

AMERICAN MANUFACTURING TRADE ACTION COALITION,
Washington, DC, June 8, 2010.

Rep. DANIEL LIPINSKI,
Longworth House Office Building,
Washington DC.

DEAR REPRESENTATIVE LIPINSKI: I write on behalf of the American Manufacturing Trade Action Coalition (AMTAC) endorsing H.R. 4692, the National Manufacturing Strategy Act. We thank you for introducing H.R. 4692 in an effort to reinvigorate the manufacturing sector of the U.S. economy.

Our first Secretary of Treasury, Alexander Hamilton, understood the need for a national manufacturing strategy. His ''Report on Manufactures'' provided President Washington, and all subsequent presidents and Congresses a blueprint for encouraging the development of a vibrant manufacturing sector in the United States. One of the great stories of the history of the United States during the 19th and 20th centuries was that of the rise of our manufacturing sector. Unfortunately, the story of U.S. based manufacturing during the last twenty or thirty years has been one of disinvestment, off-shoring and decline. And, of course, this has meant the loss of many jobs—usually good, high paying jobs. In fact, over the past ten years the United States has lost some 4 million manufacturing jobs.

H.R. 4692 would help begin the reinvigoration of the domestic manufacturing sector by directing the President to conduct a comprehensive analysis of the nation's manufacturing sector. More importantly, H.R 4692 recognizes that analysis alone will do nothing to jump-start our manufacturing sector. Therefore, it directs that the President use the information gleaned from that analysis and submit to Congress a national manufacturing strategy.

These and other provisions of the bill are salutary reforms that, if implemented, can help ignite a rebirth of the American manufacturing sector and AMTAC welcomes and supports these changes.

Sincerely,

AUGGIE TANTILLO,
Executive Director, American Manufacturing Trade Action Coalition.

AMERICAN IRON AND STEEL INSTITUTE,
Washington, DC, February 23, 2010.

Hon. DANIEL LIPINSKI,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: I write today, on behalf of the members of the American Iron and Steel Institute (AISI), to thank you for introducing legislation that would require the President to develop a quadrennial national manufacturing strategy.

The domestic steel industry strongly supports implementation of a national pro-manufacturing strategy and your bill takes an important step towards achieving this goal. As you know, in the current global economy, overall cost factors play a decisive role in how and where companies choose to invest and locate their facilities. As such, it is critical that the U.S. government address these cost factors and provide industry with a level playing field on which to compete globally. This means minimizing burdensome regulations and taxes, investing in transportation and energy infrastructure and promoting exports while enforcing trade laws, trade agreements and Customs rules.

Consequently, we appreciate that your bill creates a process for the U.S. government to develop a national manufacturing strategy and identifies key policy goals for such a strategy. We also support the creation of a Manufacturing Strategy Board consisting of individuals from the private sector, from a broad range of industries and regions, who are to provide the President with the needs of and opportunities for the nation's manufacturing sectors. The President will be well served in gaining advice and suggestions from industry experts who live and work in their respective fields each and every day.

U.S. manufacturing is critical to the future of our economy and security and we appreciate your efforts on behalf of manufacturing with the introduction of this important legislation. We look forward to working with you on this bill and on future efforts to put in place policies that promote a strong, vibrant national manufacturing base.

Sincerely,

THOMAS J. GIBSON.

UNITED STATES BUSINESS AND INDUSTRY COUNCIL
Washington, DC, July 12, 2010.

Hon. DANIEL LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR REP. LIPINSKI: On behalf of the 2,000 domestic manufacturing companies comprising the U.S. Business and Industry Council, I am writing to thank you for introducing H.R. 4692, the National Manufacturing Strategy Act of 2010, and to offer our strong support for this legislation. Your legislation will create the policy framework urgently needed by the nation to revitalize its dramatically weakened domestic manufacturing sector, and thereby help achieve genuine recovery from the ongoing economic crisis. We strongly urge its prompt passage by Congress and enactment into law.

Although most of Washington remains uneducated as to the centrality of domestic manufacturing for a strong economy, the paramount lesson of the current economic crisis is that the United States needs a completely new strategy to deal with the so-called globalization of our economy and to revitalize our industrial base.

For decades, most of our political and multinational business establishment has promulgated the falsehood that American prosperity could be based on borrowing, spending, and importing. Creating real wealth—the historical foundation of national success—and creating the appropriate policy environment for it were totally ignored. The U.S. housing and financial sectors were coddled (with artificially low interest rates and the abandonment of successful oversight in laws like Glass-Steagall), while manufacturing—which has been the dominant factor in domestic wealth creation since the nation industrialized—was neglected and even scorned. Typical was former Federal Reserve Chairman Alan Greenspan's remark that manufacturing is ''something we were terrific at fifty years ago . . . essentially a nineteenth- and twentieth-century technology.'' A worldwide financial meltdown, painful recession, and mammoth long-term U.S. debt burden have been the inevitable results.

Your introduction of the National Manufacturing Strategy Act demonstrates convincingly that you and your cosponsors understand that restoring our nation's economic health requires producing not consuming our way out of recession, and that expanding our industrial output is the biggest key to success. But without swift Congressional and presidential action, the U.S. economy may deteriorate past the point of no return.

America's massive manufacturing job loss and factory closings over the past decade are well known. But even more serious signs of the sector's distress abound. Despite trillions of dollars of government stimulus spending, tax breaks, and industry bailouts, the U.S. economy has shrunk in real terms by 1.14 percent during the recession. But manufacturing output, though now higher than its recession trough, is still down 9.72 percent—and recent scholarly research indicates that even this figure may significantly understate the devastation.

In addition, industrial capacity has fallen during this recession for only the second time since the end of World War II. A new report by the U.S. Business and Industry Council shows that, in 2008, imports captured 36.23 percent of America's domestic markets for advanced manufactured goods like semiconductors, aircraft, construction equipment, machine tools, and pharmaceuticals. In 1997, the figure was only 21.36 percent.

To make matters worse, many in the political leadership class seem determined to recreate the borrowing, spending, and importing bubble that just burst so disastrously. For example, the same Wall Street firms whose crackpot lending and compensation policies, and especially their phony financial instruments, helped trigger the crisis received an enormous bailout, and the new financial regulation bill generally preserves their too-big-to-fail status and license to speculate recklessly. The Fed's loose-money policies have become free-money policies, and outright spending and lending subsidies. Finally, too much of the economic stimulus package was simply unproductive spending.

Meanwhile, here's the ''help'' that genuinely productive industries like manufacturing have gotten: a miserly auto rescue package that has helped reduce GM to its 1920s dimensions; auto and appliance rebate programs that spurred the purchase of at least as many imports as domestically produced goods; buy American stimulus bill provisions shot through with loopholes; vague rhetoric about ''green manufacturing'' that ignores the need to ensure these industries remain onshore; and the continued pursuit of outsourcing-focused trade agreements sure to send more productive American jobs abroad.

Largely as a result of misguided policies, personal consumption is even higher today than at its dangerous pre-crisis levels, the trade deficit in the first quarter of this year grew more than 10 times faster than the economy, and the manufacturing trade deficit is up by more than 19 percent on an annual basis—with manufacturing exports continuing to grow more slowly than total goods exports despite 15 years worth of free-trade agreements touted as foreign market-opening bonanzas.

No wonder the unemployment rate remains sky high, and only the federal government and heavily subsidized sectors, like health care and education, are creating meaningful numbers of jobs.

The National Manufacturing Strategy Act will help replace this failed binge-spending and borrowing approach with a strategy aimed at promoting the production- and earnings-based prosperity that only a much stronger manufacturing sector can create.

The U.S. Business and Industry Council is especially heartened by the following features of the bill:

1. It would encourage a long overdue explicit acknowledgment by Congress of domestic manufacturing's central role in generating and preserving American prosperity, technological progress, and national security.

2. It recognizes that a sweeping and concerted federal government-wide effort is instrumental for domestic manufacturing's revival.

3. It would require several federal studies to assess domestic manufacturing's strengths and weaknesses rigorously and comprehensively. Similarly, it would foster detailed government study of manufacturing trade and off-shoring flows, and federal procurement of manufactures imports in the civilian and defense sectors. These provisions would fill much of the knowledge vacuum that currently hamstrings U.S. manufacturing policymaking. In the process, the legislation would end the monopoly currently enjoyed by outsourcing-happy multinational companies over too much crucial manufacturing and national security-related data.

4. It recognizes the scale of the challenges facing domestic manufacturing by setting a deadline of February, 2011, for publication of the first annual White House National Manufacturing Strategy blueprint.

5. It recognizes that expanding manufacturing employment requires expanding manufacturing production—that only healthy industries can create new jobs and preserve existing positions.

6. It understands that active efforts are needed to ensure that more of America's wealth and investment capital gets channeled to productive activities like manufacturing.

7. It would mandate that the Executive Branch and Congress examine the often make-or-break impact of the range of federal policies on manufacturing's fortunes.

8. It recognizes the special importance of small and medium-sized manufacturing companies, which through their production of precision parts and components in particular generate so much of America's value-added and innovation.

9. It gives these companies meaningful representation on the proposed President's Manufacturing Strategy Board.

10. It promotes follow-through and accountability in domestic manufacturing policy by requiring a Comptroller General's evaluation of the President's manufacturing strategy blueprint—including progress in implementation—and a presidential report on ''the consistency of the budget with the goals and recommendations included in the blueprint.

America's economic and industrial success has always resulted first and foremost from its free-enterprise system. But government has consistently played a major role, too,

from the publication of Alexander Hamilton's Report on Manufactures to the National Institutes of Health's support for pharmaceutical research to the Defense Department's nurturing of the aviation and information technology sectors. And this government role will surely expand as competition intensifies from foreign countries whose leaders vigorously support their industries in a host of overt and covert ways.

Your National Manufacturing Strategy Act will boost the odds of America's getting manufacturing policy right. Thank you again for introducing this vital legislation. The U.S. Business and Industry Council looks forward to working with you to help it attract the strong support and quick passage it deserves.

Sincerely,

KEVIN L. KEARNS,
PRESIDENT,
U.S. Business and Industry Council.

MOTOROLA, INC.,
Washington, DC, July 12, 2010.

For more than 80 years Motorola has been committed to innovation in communications and electronics. We developed the first mobile police car radio, the first mobile backpack radio systems for World War II, the first cellular network and phone. The first words spoken from the moon were carried over Motorola equipment. We are a company born in America and now operating around the globe, drawing on the diversity of perspectives and talents from different parts of the globe.

American manufacturers, like Motorola, have long spurred economic growth and technological advancement in America and abroad. That said, we wholeheartedly support the spirit H.R. 4692, the National Manufacturing Strategy Act, sponsored by Representative DANIEL LIPINSKI that expresses a sense of Congress that the United States Government should promote policies related to the Nation's manufacturing sector that would foster economic growth, create jobs, improve the workforce, increase productivity, and maintain and improve national security, among other improvements. Specifically, H.R. 4692 requires the President to conduct an analysis of factors affecting manufacturing competiveness, and devise a strategy to pursue policies and improve government coordination in support of domestic manufacturing. We believe that such an analysis will foster more innovation and competitiveness for U.S. manufacturers.

We look forward to working with Representative DANIEL LIPINSKI and his staff as this measure moves through the legislative process.

Sincerely,

YARDLY POLLAS-KIMBLE,
Senior Director,
Global Government Affairs.

MOTOR & EQUIPMENT
MANUFACTURERS ASSOCIATION,
Washington, DC, July 19, 2010.

Hon. DANIEL LIPINSKI
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LIPINSKI: The Motor & Equipment Manufacturers Association (MEMA) represents over 600 companies that manufacture motor vehicle parts for use in the light vehicle and heavy-duty original equipment and aftermarket industries. Motor vehicle parts manufacturers are the nation's largest manufacturing sector, directly employing nearly 686,000 U.S. workers and contributing to over 3.29 million jobs across the country. In fact, parts manufacturers are the largest manufacturing employer in eight states: Indiana, Kentucky, Michigan, Missouri, Ohio, Oklahoma, South Carolina and Tennessee. The economic impact of this industry is felt not only by motor vehicle manufacturers, but also in the millions of other jobs that are dependent on parts suppliers.

MEMA is pleased to support H.R. 4692, the National Manufacturing Strategy Act of 2010. Parts manufacturers believe a national manufacturing strategy will help focus resources on important manufacturing initiatives. In addition, MEMA hopes that the process will provide all manufacturers with a forum to discuss the wide range of policies necessary to provide for a secure and strong manufacturing base.

Thank you for your leadership on this important issue.

Sincerely,

ROBERT MCKENNA,
President and CEO.

AMERICAN FOUNDRY SOCIETY,
Schaumberg, IL, July 23, 2010.

Congressman DAN LIPINSKI,
Longworth HOB,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: On behalf of the American Foundry Society, we commend you for introducing the National Manufacturing Strategy Act of 2010 (H.R. 4692). We strongly support this measure which would require the President to develop a quadrennial national manufacturing strategy and identify key policy goals critical to the future of U.S. manufacturing. This represents the first step in restoring our manufacturing competitiveness.

Over the last decade, America has lost one-third of all its manufacturing jobs, including thousands of jobs in the metalcasting industry. Metalcasters face the most intense global competition in history from companies operating in countries that enjoy government trade protections, fixed currency levels and a variety of subsidies.

The U.S. metalcasting industry is critical for the future of our economic and national security. More than 90 percent of all manufactured goods and capital equipment use castings as engineered components or rely on castings for their manufacture. In fact, foundries supply millions of castings a year for use in our military's jets, helicopters, ships, tanks, weapon systems and other vital components.

AFS serves as the voice of the North American metalcasting industry. Our association is comprised of more than 7,000 members representing more than 700 U.S.-based metalcasting firms, students, industry suppliers and customers in every state in the country. Our members produce thousands of different types of metal castings ranging from aircraft and automobile components to cookware and surgical equipment.

There are over 2,000 metal casting facilities in the U.S. employing more than 200,000 workers. Foundries are predominantly small businesses, with 80 percent having less than 100 employees. Many of these shops are still family-owned.

The time is now for the U.S. to develop its own national pro-manufacturing strategy to advance policies that will enhance U.S. industrial competitiveness. Again, thank you for your leadership and support of American manufacturing.

Sincerely,

JERRY CALL,
Executive Vice President.

Mr. WHITFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. GINGREY), who is a member of the Energy and Commerce Committee.

Mr. GINGREY of Georgia. I thank the gentleman from Kentucky for yielding. I also thank my colleague from Illinois (Mr. LIPINSKI) for bringing forward this bill, H.R. 4692, the National Manufacturing Strategy Act of 2010, as it is formally called.

□ 1050

And I also, of course, thank the subcommittee chair, Mr. RUSH, as well. I think they should be commended. It's a nice thing to do. It's a nice statement to make, this National Manufacturing Strategy Act. And, as Mr. LIPINSKI just said, Mr. Speaker, it would assure, hopefully, that manufacturing remains on our national agenda. And that's about all it can do, in my humble opinion. Mr. Speaker, that's just about all it can do if it's 100 percent successful. It will assure that manufacturing remains on our national agenda.

When we're sitting here in this country with 10 percent, nearly 10 percent unemployment and 16 million people out of work, many of them for more than 6 months—indeed, that's the reason we wanted to extend unemployment coverage for 99 weeks—it's time, I think, that we need to act, and act very positively, very aggressively.

And you just heard, Mr. Speaker, from the ranking member of the committee, Mr. WHITFIELD, talk about these trade agreements that have been negotiated, in fact, 2 or 3 years ago, with South Korea, with Colombia, with Panama. And yet, the Democratic leadership of this House refuses to bring those trade agreements to the floor for an up-or-down vote.

It's just amazing to me that we're spending time on a bill that's going to study the issue more and come forward with a report when we have information that says the free trade agreements with South Korea and Colombia alone would lead to a decline of $40.2 billion—the failure to implement, I should say, the failure to implement those trade agreements will lead to a decline of $40.2 billion in U.S. exports of goods and services. Failure to act would also leave $44.8 billion in missed opportunities for U.S. companies, while also resulting in roughly another 400,000 jobs going elsewhere, that is, offshore.

So, again, there's no finer gentleman in this House than Representative LIPINSKI. I have great respect for him. And I think he's trying to do the right thing because it's the only thing that his majority will let him do, Mr. Speaker.

What we need to do is approve these free trade agreements. We need to lower the corporate tax rate. OECD countries have done that, except us, and we're sitting here with a 35 percent corporate tax rate. And we're doing nothing, really we're doing nothing but creating another study group, and that's about as duplicative as you could get. God knows how many study groups, Mr. Speaker, we have already created.

I, too, like Mr. LIPINSKI, meet with my manufacturers in the 11th District

of Georgia, and I just did that last week. And we talked about these things, these free trade agreements that have been negotiated, how much it would improve our exports and our positive trade balance and create manufacturing jobs, and do it now. We talked about the tax structure. We talked about overregulation and the burdens that this government is placing on our manufacturers.

And then, you know, just like we stand up and honor the troops once a week, I guess at least once a month we stand up and honor the manufacturing industry in the Rust Belt, all the while suffering, 16 million unemployed and a 10 percent unemployment rate. We're not doing anything except studying it to death, as the ship continues to sink.

So I say, the bill, I'm going to support it, sure, but this is the wrong approach. And I don't mean any disrespect to my colleagues. It's a good bipartisan effort, and I'm glad that we've finally taken an opportunity to do something in a bipartisan way. But we need to move much quicker, much faster, and much further, Mr. Speaker.

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

Mr. WHITFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, today we have a unique opportunity to lend a hand to American manufacturers. I'm proud to join my good friend and colleague from Illinois (Mr. LIPINSKI) in being an original cosponsor of this legislation. And, in fact, when I chaired the Small Business Committee, we had field hearings in both his district and Mr. DAVIS' centered on the issue of manufacturing in America.

As the cofounder and cochair of the House Manufacturing Caucus, I can't overstate the importance of manufacturing to America. One in six jobs in America is directly related to manufacturing, and one in four in the congressional district that I represent.

Manufacturing drives innovation by conducting nearly half of all research and development and creating the bulk of technology in our Nation. Nearly 60 percent of exported goods are manufactured goods.

Every $1 in final sales of manufactured goods supports $1.40 in output, which is higher than any other economic sector. If we don't make things in America, then even those service jobs, however, will disappear.

I spent probably two-thirds of my time in Congress studying and working on manufacturing issues, from raw materials and minerals all the way through to export controls. In fact, within the past Congress, working with Congressmen BLUMENAUER, CROWLEY, and SHERMAN, all Democrats, we were able to amend section 17(c) of the Export Administration Act, which has resulted in the additional billions of dollars more of aircraft parts being exported. In fact, I'm probably the only Member of Congress who's ever gone to warehousing school to study the flow of manufactured items to the floor of sales.

Every few years, the manufacturing sector in the U.S. experiences a crisis. The last report that was issued was in 2004. This chart right here represents probably 12 or 14 years of work in my office. We tried to identify the numerous Federal programs and agencies that support manufacturing. People will come to the office, we would add in hand exactly what those are.

It's still difficult to have a central focus point to know who's manufacturing and who's doing research in a particular area. For example, if somebody wants to do research on machining titanium or Inconel, there's no central portal through which that person can go to determine exactly what programs or who's doing that research. That's one of the beauties of the bill that Congressman LIPINSKI has introduced.

Why is it necessary to have a study? Because Americans need to know the importance of manufacturing. If we don't have manufacturing, agriculture, and mining in this country, we become a Third World nation. If we can't make things with our hands, then we become hindered in maintaining our status as a world leader.

The whole purpose of having a comprehensive strategy in manufacturing is, as Mr. LIPINSKI said, to call the Nation's importance to the fact that young people need to go into manufacturing, need to go to our community colleges to learn how these sophisticated machines are made.

I've probably been in 500 to 700 factories all over the world studying and analyzing exactly what America needs.

This bill has, as its purpose, to show Americans, but more importantly to bring to the attention of fellow Members of Congress, the absolute importance of protecting manufacturing in this country. It is a great bill because what it will do is it will help identify those programs that exist, those that are working, and those that should be eliminated.

If we pass the National Manufacturing Strategy Act into law, a new Manufacturing Strategy Board will help the President to conduct an in-depth analysis of the Nation's manufacturing sector and develop a comprehensive strategy for enhancing its competitiveness and promoting its success in the global economy.

So I urge my colleagues to support H.R. 4692.

We have a unique opportunity today to boost the U.S. economy and lend a hand to American manufacturers.

The bipartisan National Manufacturing Strategy Act (H.R. 4692) will help American manufacturing rebound from recent economic turmoil to ensure that both our workers and our factories are equipped to thrive in the 21st Century.

The 16th District of Illinois, which I am so proud to represent, is one of the most heavily industrialized Congressional districts in the nation. Winnebago County, in the center of the district I represent, is second only to Wayne County, Michigan, in terms of per capita concentration of manufacturing as a percentage of the local economy. And Rockford, Illinois, is in the center of Winnebago County. There, we make everything from nuts and bolts to the advanced electrical system for the new Boeing 787, the Dreamliner.

I simply cannot overstate the importance of manufacturing not only to northwest Illinois but to the America. The United States has the largest manufacturing economy in the world, producing $1.6 trillion in value annually—that's 11 percent of U.S. gross domestic product (GDP). One in six U.S. jobs is tied directly or indirectly to manufacturing, and strides in productivity have held down inflation and contributed to higher standards of living for hardworking Americans. Manufacturing drives innovation by conducting nearly half of all research and development and creating the bulk of technology in our nation. Nearly 60 percent of all exported goods from the U.S. originate from the manufacturing sector.

In the United States, every $1.00 in final sales of manufactured goods supports $1.40 in output from other sectors of the economy. That multiplier effect on our investment dollars is higher than any other economic sector.

Manufacturing is the lifeblood of the American economy and its continued strength is key to putting Americans back to work. For too long, manufacturing has received second-class treatment from our government. While Washington hesitates to act, American industries are withering under intense global competition and jobs have gone overseas. It's time for the federal government to get serious and implement an agenda to strengthen American manufacturing and restore American jobs, and that's exactly what this legislation will require.

There are numerous existing federal programs to support American manufacturing, but our national manufacturing policy is disjointed and reactionary. Other nations proactively support their industrial base through programs and policies. If we pass the National Manufacturing Strategy Act into law, a new Manufacturing Strategy Board will help the President to conduct an in-depth analysis of the nation's manufacturing sector and develop a comprehensive strategy for enhancing its competitiveness and promoting its success in the global economy.

The aim of the strategy and the quadrennial review is to harmonize manufacturing policy across the government and ensure that it is unified, innovative, and results-oriented.

As noted in recent committee testimony from AAM president Scott Paul, Alexander Hamilton himself constructed America's first industrial policy in 1791. Our founding fathers recognized that a robust industrial base is vital to both our national security and a flourishing economy.

Instead of wallowing in anxiety over the fate of our economy, Congress needs to demand action that will produce results. America's manufacturers are among the most innovative and productive in the world, but they aren't getting the support they need from their government. By developing a long-term plan with input from a wide range of stakeholders and experts, the National Manufacturing Strategy Act will ensure that we are doing absolutely all that we can to help this vital industry.

□ 1100

Mr. RUSH. Mr. Speaker, it is my privilege and honor to yield 1 minute to our great majority leader, Congressman HOYER of Maryland.

Mr. HOYER. I thank the gentleman for yielding.

I am pleased to follow my friend, Congressman MANZULLO, in speaking about the importance of making it in America. Making it in America is not just about manufacturing in America, it's about succeeding in America, making sure that America continues to be the vibrant engine of our economy and the international economy, making things not only for Americans, but for all the world. And I thank Mr. MANZULLO for his comments.

Americans have always looked to the manufacturing sector as a source of economic vitality and as a source of pride. I want to thank my friend from Illinois (Mr. RUSH), who has been such an outstanding leader in this Congress on behalf of growing our economy, jobs for Americans, good pay and good benefits for all Americans.

America has long prided itself on being a country that makes things. And Democrats, and I know my Republican friends, are committed to making sure that is true in the future. America agrees on the importance of manufacturing to our economy. You just ask them and they will tell you we need to make it in America. Fifty-seven percent of Americans believe it is one of the most important factors in our economic strength, and 85 percent of Americans believe that creating manufacturing jobs is important to our economic recovery. We need to make it in America.

It's true that manufacturing has taken a severe hit in this recession. In fact, it's been taking hits for quite some time, particularly under the previous administration. Over the past decade, America lost one-third of its manufacturing jobs. These three bills are designed to turn that status around.

If we want American manufacturing to be strong again, if we want to emerge from these hard times with a more competitive, job-creating economy, we need to get serious about our manufacturing strategy. That is the impulse behind the Democrats' Making it in America agenda: creating incentives for investments in industry, strengthening manufacturing infrastructure and innovation, strengthening our workforce, and helping to level the playing field for American companies. That's what our focus is going to be. That's what Mr. MANZULLO was talking about.

So far, the Make it in America agenda has resulted in the passage of the U.S. Manufacturing Enhancement Act. It passed the House just a few days ago on an overwhelmingly bipartisan vote, passed the Senate by unanimous consent, and is at the White House. This helps American companies get the affordable materials they need. And it's passed the Senate and is on the way to becoming law, as I said.

The House has also passed the SECTORS Act, which invests in 21st-century workforce training, to make sure that our people have the skills to make it in America. Bills like these build on the success we have already in rallying America's manufacturing sector under the Obama administration. Since the beginning of the year, our private sector has actually created 136,000 new manufacturing jobs.

This bill, the National Manufacturing Strategy Act, can contribute to that job creation. It directs the President to develop a national manufacturing strategy every 4 years, with input from the private sector, from manufacturing leaders, Federal officials, and State governments. They will analyze all of the factors affecting American manufacturing, from financing to trade barriers, and recommend actions that industry and Federal and State and local governments can take to boost manufacturing and create good-paying jobs.

I spoke about this the other day at the Center for American Progress. And a representative of the National Association of Manufacturers, Mr. Speaker, stood and congratulated us on this effort. And I told her that we were looking to work with the National Association of Manufacturers and others to build manufacturing capacity and to create these good-paying jobs with good benefits and making America work better.

The bill's sponsor, Congressman LIPINSKI, from the heartland of America, your State, Mr. RUSH, Illinois, points out that similar national strategies are widespread. China, India, the UK, Brazil, Canada, and Germany all have manufacturing strategies; and we need one if we want to stay competitive with them.

And as has been true in the past, the ''Made in America'' label will be sought and admired throughout the world. This bill is an important way to take our industries' struggles seriously and begin responding to them constructively.

I urge my colleagues to pass this bill and the two that will follow to make America a more competitive, growing economy. Make it in America, an agenda that the House will consider this week and the 4 weeks when we return from our break: the Clean Energy Technology Manufacturing and Export Assistance Act, which will ensure that clean energy technology firms have the information and assistance they need to stay competitive; and the End the Trade Deficit Act, all on the agenda, sponsored by Congresswoman MATSUI, which will develop strategies to combat the trade deficit. Through steps like these we can begin to restore America's pride in its manufacturing and in the solid jobs it creates for middle class families.

Make it in America is not simply a slogan; it is a commitment, a commitment to reestablish a dynamic engine for job creation. Make it in America is a commitment to ensuring that America's future is one in which America competes successfully and profitably in the new global marketplace. Make it in America is a psychology of excellence, a level playing field in trade relations, and the creation of an environment that facilitates manufacturing projects, expansion, and the sale of American products to the world.

America's innovative abilities and the talent and work ethic of our workers have historically led our country to extraordinary economic growth and success. The Make it in America agenda is a commitment, a commitment to making that success not only a proud part of our history, but a reality for our future. We're going to make it in America, and we're going to make it in America.

Mr. WHITFIELD. May I ask how much time we have remaining on this side?

The SPEAKER pro tempore. The gentleman from Kentucky has 7 minutes.

Mr. WHITFIELD. At this time I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I come in support of H.R. 4692, the National Manufacturing Strategy Act. I was pleased to support, actually, my two great colleagues from Illinois, Mr. LIPINSKI and Mr. RUSH. I appreciate them bringing it down to the floor.

Basically, I think what can occur from this is a reevaluation of things that we know. When we are at 9.5 percent unemployment, 15 million Americans unemployed, 1.5 percent increase since the failed stimulus bill was passed at a cost of $1.2 trillion, what do businesses need to create jobs? And what does the manufacturing sector need to create jobs? They need certainty.

As I said in my 1-minute this morning, a businessman talked to me, You can't ask us to create new jobs when you raise our taxes. You can't ask us to create more jobs when you raise our taxes. That's issue one. I think that will come out of the national manufacturing strategy.

You can't expect us to create jobs when you raise our energy costs. The cap-and-trade energy bill passed through this House raises energy costs. It is a tax on carbon. Carbon is a fossil fuel. That raises manufacturing costs. We cannot create more jobs when we add costs to the manufacturing sector.

We cannot create jobs when there is regulatory uncertainty. When we've got EPA and OSHA and all these people poking around trying to protect the workers, which they do, it's that old saying: I'm from the government and I'm here to help you.

They are not here to help you under this administration. They're here to penalize. They're here to fine. They're

here to create uncertainty, which makes it very difficult to create jobs.

□ 1110

And the last one is the health care law. Additional uncertainty. ''We have to pass the bill before we know what's in the bill.'' What do you think the manufacturing companies are doing? They're trying to figure out what we just did to them.

So I hope this national manufacturing strategy, which I am a cosponsor of, will say: Reduce the tax burden, ease the regulatory burden, lower energy costs, make a competitive, vibrant market. That's how we create jobs in America.

Mr. RUSH. Mr. Speaker, I yield 1 minute to the author of the legislation, Mr. LIPINSKI, once again.

Mr. LIPINSKI. Mr. Speaker, the gentleman from Maryland (Mr. HOYER) was just down here. I wanted to thank him again for really putting forward this make it in America, sell it to the world. That is what we need to do. You ask any American. They know that is what we need to do to keep this recovery going and really get us out of this recession.

I also want to thank the gentleman from Illinois (Mr. MANZULLO) for all of the work that he has done. We've worked closely together since I have been in Congress on manufacturing. And I think the chart he had up here was one of the best reasons why we need this strategy.

The government is doing a lot on manufacturing; it's just disjointed. It's oftentimes ad hoc. We need to bring that together. So I thank Mr. MANZULLO for his work on that, and that's just a great example.

And those who say maybe the government shouldn't be doing anything on manufacturing, we are already doing a lot. Let's get it together and let's do it right.

Mr. WHITFIELD. Mr. Speaker, I would just like to make some concluding remarks.

All of us on this side of the aisle support Mr. LIPINSKI's effort. We believe that this legislation is good and we commend Mr. RUSH and Mr. LIPINSKI.

But we reiterate that this administration is not doing enough to improve manufacturing in America. The majority leader said we want more products produced in America. But in order to do that, we need a tax policy that encourages investment, not making it more expensive to do business in America. We need a policy to provide incentives for more research and development to be more competitive in the global marketplace. We need a strong program to defend and protect intellectual property developed by our manufacturers. We need a strong international trade policy that encourages more American products to be sold abroad.

And as the gentleman from Illinois said, we need an energy policy that does not raise energy costs. And every objective analysis of the Obama administration's cap-and-trade system indicates that that bill would dramatically increase electricity costs making American manufacturers less competitive, not more competitive. I have already talked about China and the steps that they're taking to decrease their electricity costs.

So we support this bill, but we need to do more. And we call upon the administration to do more than just talk about these issues.

With that, I yield back the balance of my time.

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

Mr. Speaker, what we don't need is more excuses. What America doesn't need is more excuses that have been heard on this floor for many years now. We don't need any more excuses, Mr. Speaker. We need action. This bill that we are deliberating on today will go a long ways toward making America much more viable and making America's manufacturing center much more robust.

Mr. Speaker, I want to remind the Members of this House that manufacturing has been the engine that drives the American economy for more than 100 years and it will continue to well into the 21st century. America's future growth, security, and leadership in the global economy will depend on the strength and viability of our manufacturing base. That's why it's so important to reverse the current ebb.

The U.S., Mr. Speaker, has lost more than 5 million manufacturing jobs since 2000—almost 17 percent of all manufacturing jobs in the Nation. We can maintain our leadership position in the global economy but only if we strengthen the core of our economy, which is manufacturing.

America's economy depends on manufacturing. Manufacturing in the U.S. generates about $1.4 trillion, or 12 percent of our gross domestic product. Manufacturing is responsible for nearly two-thirds of private sector research and development in the U.S. Over the past two decades manufacturing productivity has increased at twice the rate of the rest of the private sector.

America's economy depends on manufacturing. America's economy depends on manufacturing for good jobs. Manufacturing directly employs 14 million Americans and supports 8 million more. Each manufacturing job supports as many as four other jobs, providing a boost to local economies. For example, every 100 steel or every 100 auto jobs create between 400 and 500 new jobs in the rest of the economy. This contrasts with the retail sector, where every 100 jobs generate 94 new jobs elsewhere, and in contrast with the personal and service sectors where every 100 jobs create 147 new jobs.

This multiplier effect reflects how manufacturing's linkages run deep into the overall economy and means improvements in manufacturing productivity translate broadly into the economy as a whole.

America's economy depends on manufacturing. America depends on manufacturing for good jobs. And across this Nation, our States depend on manufacturing. Manufacturing is a vital part of the economies of most States. As a share of gross State product (GSP), in 2001 manufacturing was among the three largest private-industry sectors in all but 10 States. Manufacturing is the largest sector in 10 States and in the Midwest region as a whole, the region that I love and I live in. It's the second largest in nine States and the third largest in 21 other States.

Mr. Speaker, manufacturing is important. This is not just some kind of pipe dream. This is not just a study. This is a roadmap to recovering America's position in terms of manufacturing in the world. Make manufacturing real for America. Make manufacturing robust for America. Make manufacturing jobs reachable for all Americans.

Mr. KUCINICH. Mr. Speaker, I rise today in support of H.R. 4692, the National Manufacturing Strategy Act of 2010.

Across America, and especially in Ohio, people are hurting. The national unemployment rate is hovering near 10%—that's 15 million people out of work. Sixteen states and the District of Columbia have double-digit unemployment. In my home state of Ohio, which is home to over 20,000 manufacturing companies, unemployment is even higher—10.5%. Almost half of all unemployed workers have been out of work for over six months. There are simply not enough jobs, and if we are to change that, the key is to better support and enhance our manufacturing sector. With this bill, we are taking a first step toward creating a coordinated federal policy that puts the manufacturing sector back in its rightful place as an engine of the American economy.

There are some encouraging signs: More than 135,000 manufacturing jobs were created in the last six months. Americans understand that creating manufacturing jobs should be among the highest priorities for government. In a recent poll 87 percent said they believed it is time we had a national manufacturing strategy.

Where it is necessary, so-called ''legacy industries''—such as steel, automotive, aerospace and shipping industries—within our nation's manufacturing sector are adjusting to meet new economic realities. The government must do all that it can to make sure it does not get left behind countries like China who are rapidly growing their green manufacturing economies.

Americans who were surveyed about our manufacturing economy rejected the idea that we can only rely on other sectors to keep the United States in its position as a world leader. They said that manufacturing is central to our economic strength. And they are right. With this bill we will take a vital and tangible step toward reinvigorating our manufacturing base.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 4692, the ''National Manufacturing Strategy Act of 2010''. This legislation provides a pragmatic and forward-looking means to enhance, develop, and secure our nation's manufacturing industry for the future. Its contributions to our economy and the sheer size of this industry make it imperative that we take the necessary steps to

ensure its continued growth and success. I commend my colleague, Representative DANIEL LIPINSKI, for introducing this legislation to do just that.

Mr. Speaker, as you may know, the manufacturing industry generates ⅔ of U.S. exports, employs over 11 million American workers, and serves as an industrial base to assure that our national defense remains strong and to sustain infrastructure. This bill addresses the growing importance of the manufacturing sector to our nation's health and economy. It directs the President, every four years, to conduct a comprehensive analysis of the nation's manufacturing sector and to submit to Congress a National Manufacturing Strategy. It also requires the President, in developing each strategy, to convene a Manufacturing Strategy Task Force to make recommendations regarding specified matters for incorporation into the Strategy, including short- and long-term goals for the manufacturing sector. Furthermore, the bill directs the National Academy of Sciences to conduct quadrennial studies concerning U.S. manufacturing and to report each study's results to Congress and the President. Finally, the bill requires the President, in preparing each annual budget, to include information regarding that budget's consistency with the goals and recommendations included in the latest Strategy.

The enactment of this bill would express that it is the view of Congress that policies should be promoted to support and secure the growing manufacturing industry. We should support efforts that seek to create sustainable economic growth, increase employment, productivity, exports, and global competitiveness, and that improve our national and homeland security. As other countries, including the United Kingdom, Canada, India, and China, have already engaged in similar strategic development plans for manufacturing, it is only fitting that the world's largest manufacturing nation do the same. I have supported for a long time America moving back to making products and creating jobs. It is long overdue.

Furthermore, as this bill does not call for mandatory action, its benefit is purely inherent in the positive effects of information and preemptive planning. Therefore, the door remains open for governmental action that may need to be taken in order to promote growth and provide efficient outcomes in the manufacturing industry. I strongly believe that more information and strategic planning in the immense manufacturing sector can only put the nation's economy in a better position for the future.

For these reasons I urge my colleagues to support H.R. 4692.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 4692, the National Manufacturing Strategy Act of 2010, of which I am an original co-sponsor. I wish to commend my friend, Congressman LIPINSKI of Illinois for his fine work in authoring this important piece of legislation.

In light of the pressing need to create and maintain good-paying jobs in this country, it is imperative we pass H.R. 4692. This bill will mandate that the President develop a national manufacturing strategy and update it every four years. It is crucial that the federal government support domestic manufacturing, which has been a traditional driver of middle-class growth. I am particularly glad that H.R. 4692 includes a requirement that the President consult with organized labor in appointing members to the advisory group that will help him draft the strategy.

Further, I view this legislation as part and parcel to the federal government's ongoing efforts to create much-needed jobs and adapt the country's economy to the future. I am quite gratified to see that H.R. 4692 rightly directs that the manufacturing strategy it mandates include an examination of the detrimental effect of unfair trade practices on domestic manufacturing. I firmly believe the federal government must do all it can to ensure our trading partners play by the rules in order to foster sustainable employment growth at home.

In conclusion, I note this bill comes at a time when my home state of Michigan continues to endure record unemployment levels, largely due to the hemorrhaging of manufacturing jobs caused by a decade of unfair trade policies. I believe H.R. 4692 will serve to right past failed policies and, as such, I very passionately support its expedited consideration and adoption.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 4692, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1120

CLEAN ENERGY TECHNOLOGY MANUFACTURING AND EXPORT ASSISTANCE ACT OF 2010

Mr. DEUTCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5156) to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5156

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 ''Clean Energy Technology Manufacturing and Export Assistance Act of 2010''.

SEC. 2. CLEAN ENERGY TECHNOLOGY MANUFACTURING AND EXPORT ASSISTANCE FUND.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''clean energy technology'' means a technology related to the production, use, transmission, storage, control, or conservation of energy that will contribute to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related emissions and—

(A) reduce the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, or transporting energy with greater effectiveness through the infrastructure of the United States; or

(B) diversify the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; and

(2) the term ''Secretary'' means the Secretary of Commerce.

(b) ESTABLISHMENT.—The Secretary shall establish a Clean Energy Technology Manufacturing and Export Assistance Fund, to be administered through the International Trade Administration. The Secretary shall administer the Fund to promote policies that will reduce production costs and encourage innovation, investment, and productivity in the clean energy technology sector, and implement a national clean energy technology export strategy. The purpose of the Fund is to ensure that United States clean energy technology firms, including clean energy technology parts suppliers and engineering and design firms, have the information and assistance they need to be competitive and create clean energy technology sector jobs in the United States.

(c) ASSISTANCE.—The Secretary, consistent with the National Export Initiative, shall provide information, tools, and other assistance to United States businesses to promote clean energy technology manufacturing and facilitate the export of clean energy technology products and services. Such assistance shall include—

(1) developing critical analysis of policies to reduce production costs and promote innovation, investment, and productivity in the clean energy technology sector;

(2) helping educate companies about how to tailor their activities to specific markets with respect to their product slate, financing, marketing, assembly, and logistics;

(3) helping United States companies learn about the export process and export opportunities in foreign markets;

(4) helping United States companies to navigate foreign markets; and

(5) helping United States companies provide input regarding clean energy technology manufacturing and trade policy developments and trade promotion.

(d) REPORTS TO CONGRESS.—

(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Congress a report indicating how the funds provided under this section will be used to—

(A) focus on small and medium-sized United States businesses;

(B) encourage the creation and maintenance of the greatest number of clean energy technology jobs in the United States; and

(C) encourage the domestic production of clean energy technology products and services, including materials, components, equipment, parts, and supplies related in any way to the product or service.

(2) Not later than January 1, 2015, the Secretary shall transmit to the Congress a report assessing the extent to which the program established under this section—

(A) has been successful in developing critical analysis of policies to reduce production costs and promote innovation, investment, and productivity in the clean energy technology sector;

(B) has been successful in increasing the competitiveness of United States clean energy technology firms in emerging markets;

(C) has been successful in assisting United States businesses, specifically small and medium-sized firms, with exporting clean energy technology products and services;

(D) has been successful in creating jobs directly related to the clean energy technology sector in the United States, including specific information as to the nature, location, and duration of those jobs and the methodology used by the Secretary to compile such information;

(E) has been successful in helping United States companies provide input regarding clean energy technology manufacturing and trade policy developments and trade promotion; and

(F) should be continued.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out this section $15,000,000 for each of the fiscal years 2011 through 2015.

(2) LIMITATION.—No assistance provided using funds appropriated pursuant to this section shall be provided in the form of a monetary grant.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. DEUTCH) and the gentleman from Illinois (Mr. SHIMKUS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. DEUTCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. DEUTCH. I also ask unanimous consent for Mr. RUSH of Illinois to control the time after my opening remarks.

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

There was no objection.

Mr. DEUTCH. Mr. Speaker, I rise in strong support of this legislation, and I yield myself such time as I may consume.

Mr. Speaker, the Clean Energy Technology Manufacturing and Export Assistance Act, H.R. 5156, will help American companies develop, manufacture, and export clean and renewable energy technologies around the world. Most importantly, this bill will help create high quality jobs for American workers.

The bill establishes a fund in the Department of Commerce to promote policies that reduce costs and encourage innovation and investment in the clean energy industry. The fund, which focuses on small- and medium-sized businesses, will also help American companies target foreign markets for exports. This will help us meet the President's goal of doubling American exports over the next 5 years.

Finally, H.R. 5156 would give businesses the opportunity to provide their own voice and input into U.S. manufacturing and trade policies. As President Obama remarked last month, the transition to clean energy has the potential to grow our economy and create millions of jobs as we move out of this recession.

Despite a global decrease in clean energy investments last year, the United States continued to increase investments in this sector. For the second consecutive year, the United States added more power capacity from renewable energy, solar and wind, for example, than from conventional energy sources. But the United States still trails Germany and China in renewable energy investments. This important legislation will help eliminate this gap by harnessing the creativity and innovation of American entrepreneurs and making the United States more competitive in a global market that reached over $160 billion last year.

Mr. Speaker, this bill will help create high quality jobs for American workers. I would like to thank my friend and colleague from California (Ms. MATSUI) for authoring this legislation, and I urge my colleagues to support this important legislation.

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

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

I would remind my colleague that wind and solar power is high-cost power. Wind and solar costs on average three times more per kilowatt hour. That's the whole energy debate. That's why you have to have low energy prices if you want jobs. And everybody thinks it's free. It's not free. It's more expensive energy.

But I'm here to thank my colleague and friend, Congresswoman MATSUI, for her bill, H.R. 5156. That's what we're addressing today, the Clean Energy Technology Manufacturing and Export Assistance Act. This came through the Commerce, Trade and Consumer Protection Subcommittee of the Energy and Commerce Committee on June 30 and in a markup of the full committee on July 21, both times passing by voice vote, and it's to her credit for her great work in a bipartisan manner.

The purpose of this bill is to create a 5-year, $15 million annual assistance fund within the Department of Commerce International Trade Administration. The purpose of the fund is to promote policies to reduce production costs, encourage innovation and investment, and create a clean energy export strategy.

I also commend the chairman of the subcommittee, my good friend BOBBY RUSH, for working with the minority to address our concerns and for offering a manager's amendment at the subcommittee markup that made two important changes. The first was to amend the definition of clean energy technology so that the definition would include nuclear energy and carbon capture and sequestration. It is important to recognize that nuclear power and clean coal are essential elements to reducing our dependence on foreign oil and thereby strengthening our energy security, and as I was mentioning, also keeping energy costs low. The second was to include a provision that explicitly prohibits any of the $75 million to be allocated in the form of grants.

However, if this Congress and this administration truly want to revitalize the manufacturing sector, the easiest path would be to pass the existing free trade agreements that are pending: South Korea, Colombia, and Panama. These are all gains for us. In any projection by any export strategy, these are gains in the manufacturing sector and in some of the agricultural sector I'll talk about later.

We always have to be concerned. Jobs and the economy is the number one issue in the country, but trailing close behind is the deficit and the national debt. So we've been harping on the fact that we really need things paid for now. The public is not allowing us to go along, continuing with multiple authorizations without saying these things have to be paid for, and as we've said in numerous other debates, if it's important enough to do, it is important enough to pay for.

I will just read from the CBO, ''Federal Debt and the Risk of a Fiscal Crisis, Economic and Budget Issue Brief'' dated July 27. ''Unless policymakers,'' that's us, ''unless policymakers restrain the growth of spending,'' which is what we're not doing today, ''increase revenues significantly as a share of GDP, or adopt some combination of those two approaches, growing budget deficits will cause debt to rise to unsupportable levels.''

I would submit that we're already at unsupportable levels, and so that's why we do support the bill. But we will always be looking for and making sure that additional spending and growth is offset with pay-fors.

I reserve the balance of my time.

Mr. RUSH. Mr. Speaker, I yield 6 minutes to the author of the legislation, my dear friend from California (Ms. MATSUI).

Ms. MATSUI. Thank you, Mr. Chairman, for your leadership.

Mr. Speaker, I rise in strong support of my legislation, H.R. 5156, the Clean Energy Technology Manufacturing and Export Assistance Act of 2010.

Our Nation is running a trade deficit in green technologies ranging in the billions, and the U.S. clean tech industry is lagging behind many of its competitors in exports, most notably China and Germany.

Currently, only six of the top 30 global clean energy companies are American-owned. This is simply unacceptable. We must not become a Nation dependent on foreign clean energy products. We must be the Nation that leads the world in manufacturing and exporting clean energy technologies. That is why I, along with Chairmen RUSH and DINGELL and Congresswoman ESHOO, introduced H.R. 5156 to boost the competitiveness of the U.S. clean energy industry.

Specifically, the bill would require the Department of Commerce, in coordination with relevant agencies, to implement, develop and sustain a National Clean Energy Technology Export Strategy to provide U.S. clean tech firms with export assistance in finding and navigating foreign markets to sell their goods and services to new customers.

The President has laid out a laudable goal to double U.S. exports over the next 5 years, and this legislation will ensure clean energy exports are at the forefront of our national export strategy. The bill will also help strengthen America's domestic clean tech manufacturing industry.

Mr. Speaker, I am pleased that this legislation is a part of the Make It in America manufacturing agenda to demonstrate this Congress' commitment to the U.S. domestic manufacturing industry, and I applaud the majority leader's leadership in this.

This legislation encourages American clean energy manufacturers across the Nation to sell their American-made clean energy technologies here in America and around the world.

□ 1130

This is also about jobs. The Department of Energy has found that the emerging U.S. clean energy sector could create more than 750,000 jobs over the next decade. The clean energy emerging economy is one that we cannot afford to let pass us by.

Mr. Speaker, my home district of Sacramento is well positioned to be a national leader in manufacturing clean energy technologies, with more than 120 small and medium-sized clean energy companies in the region. Many of these companies are beginning to manufacture clean energy products or are seeking to expand their manufacturing operation and wanting to export through clean energy technologies to foreign markets.

However, unlike big U.S. companies, small and medium-sized firms simply do not have the resources and expertise to find and navigate foreign markets and are seeking assistance. In fact, according to the Trade Promotion Coordinating Committee, more than 30 percent of nonexporting small and medium-sized companies would export if they had more access to market information, export opportunities, and the export process. Many of these companies have validated their clean energy technologies and are now looking to expand their businesses by exporting their goods and services to new foreign markets but actually lack the resources to do so.

Mr. Speaker, let me briefly clarify that this bill provides a modest authorization to help American small businesses with the manufacturing and export assistance they are seeking.

It is not an appropriations bill. As my colleagues on the other side are aware, authorization measures do not appropriate funds and they do not add a dime to our deficit. The measure would have to fit within our budget caps during the congressional appropriation process.

The bill would not affect direct spending or revenues. Therefore, PAYGO procedures would not apply, and it does not violate PAYGO rules.

Mr. Speaker, during the Energy and Commerce markup of this bill, we included several changes that my Republican colleagues recommended; most notably, working in a bipartisan manner, we expanded the definition of ''clean energy technology.''

We also include a transparency provision that requires the Commerce Department to report back to Congress within 180 days of enactment, a plan to assist small and medium-sized businesses, encourage job growth in the U.S. clean energy sector, and encourage greater domestic manufacturing of clean energy products.

H.R. 5156 will also enhance our standing in the race to be the global leader in clean energy. The BP oil spill only underscores the need for leadership in the clean energy market, and this bill will send a strong message that America is serious about being the leader and producing and exporting these technologies.

I urge my colleagues to support this legislation, which will support clean energy products being made in America and, in turn, will help families make it in America.

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Mr. Speaker, as I stood a few minutes before in expressing my concerns about the bill that Representative LIPINSKI brought forth, the same issue exists with regard to my good friend from California (Ms. MATSUI) regarding H.R. 5156, Clean Energy Technology Manufacturing and Export Assistance Act.

Ms. MATSUI, Mr. Speaker, just momentarily said we need to be exporting clean energy technology. Well, with all due respect, what we need to be exporting is beef and pork and corn and soybeans and, yes, Harley Davidson would like to export a few motorcycles to Colombia, but they can't do it because they face such a high tariff.

Again, the bill is fine as far as it goes, other than the fact that you are authorizing another $75 million. And you can say, well, it's an authorization; it's not an appropriation. But if you give permission within committee to let those that do the appropriating, you essentially open up the floodgates for 75 additional million dollars of taxpayer-funded programs.

As President Reagan said, you know, government is not the solution to our problems; it is the problem. More and more government growth, spending, deficit debt, Mr. Speaker and my colleagues, the American people have spoken. I'm going to tell you they are going to speak again.

We leave here, I guess, sometime Friday afternoon, and we will be in our district work period this year for not 1 month but probably 6 weeks. We have got to face these people, not just me in the 11th Congressional District of Georgia, but every one of us. All 435 of us have got to go home and look these folks in the eye.

We have to say, you know, I am trying to explain to you why, in our last week before our break, we authorized another $75 million worth of spending, adding to the $1.4 trillion deficit this year and, indeed, finally adding to the national debt which is now, as we all know, over $13 trillion, something like 95 percent of our gross domestic product. That makes no sense.

Again, with all due respect, I know these bills came through committee, voice voted in subcommittee and full committee, but there were concerns. There were concerns about the spending.

Representative PARKER GRIFFITH, Mr. Speaker, our colleague from Alabama, had an amendment. He said, Look, we need deficit neutrality in this bill.

That was one thing that we did vote on, that amendment, and it failed along party lines 30–15, even though the majority party keeps saying, well, you know, we honor PAYGO—except when we don't honor it.

Again, my colleague from California is a most respected Member of the committee and this House. As a friend of mine, she is trying, just as Representative LIPINSKI was trying with his bill. But let's get the job done by lowering corporate tax rates and taking the burden, the regulatory burden off of our manufacturers, and go ahead and pass these free trade agreements with Colombia, South Korea, and Panama.

They have been negotiated to a fare-thee-well, and I think the Democratic majority ought to explain to the American people why we don't do that. That's what we need to do to grow jobs immediately and not just continue to kick the can down the road and study it and study it and study it with an unemployment rate of 10 percent and 16 million people, many of them in the manufacturing sector—in fact, 2 million manufacturing jobs have been lost in the last couple of years.

This has got to stop.

Mr. RUSH. Mr. Speaker, it is my honor and privilege to yield 3 minutes to the dean of the House and the chairman emeritus of the Energy and Commerce Committee, my dear friend Mr. DINGELL.

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

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 5156, the Clean Energy Technology Manufacturing and Export Assistance Act.

I commend my good friend from Illinois for the outstanding work he did in leading the subcommittee and moving this and the other legislation forward

today, and I also commend my colleagues, Ms. MATSUI and Ms. ESHOO, as well as Mr. RUSH, for their original cosponsorship, of which I am also proud to be one.

This bill will build up domestic manufacturing by promoting exports and clean energy technologies and will help the United States develop an early competitive advantage in this area. I urge my colleagues on both sides of the aisle, especially my good Republican friends, to join us in moving this legislation forward.

Now, we hear some objections to the bill's costs. It's time they be reminded that this is not an appropriation but an authorization. Moreover, should the funds be appropriated, H.R. 5156 will more than pay for itself through the growth in tax receipts from increased corporate revenue. The Department of Commerce estimates that every dollar invested in export promotion generates $56 worth of exports.

I urge my colleagues again to join me in moving this forward.

□ 1140

Thus in a corporate tax rate of 35 percent, additional revenues of only $40 million a year would have to be generated to cover the bill's annual $15 million authorization. This is more than double that which is based on the Department of Commerce's export promotion cost benefit analysis.

Mr. Speaker, if my Republican and Democratic colleagues are truly concerned about promoting job growth and improving the economy, they should vote in favor of this eminently sensible bill.

I've been a little distressed to hear my colleagues on the other side of the aisle making a fuss about the fact that they don't like things like cap-and-trade and other matters. That bill is not before us, and most of the other questions are not before us. I would remind my colleagues here that we are discussing increasing job opportunities at home by exporting things which are valuable and which help the world and which help the United States. I would remind my colleagues that they are better served to light a little candle rather than to sit there quietly and to curse the darkness.

When this administration came in, I would remind my colleagues that the previous administration had left us two wars, a depression, and a deficit of $1.3 trillion. We are still trying to dig out of the mess which was left us by our Republican colleagues, and I would urge them to cooperate with us and to focus on the important things about creating jobs and getting opportunity and economic activity going forward. To continue the kind of self-defeating program that my Republicans seem to be sponsoring on the other side of the aisle——

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

Mr. RUSH. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan.

Mr. DINGELL. I would urge my colleagues on the other side to join us. Let us move forward towards jobs; let us move forward towards economic development and activity; let us move forward towards cooperation on important matters, like seeing to it that the economy gets moving and Americans are going back to work.

Let's not sit around here whining and complaining about situations about which we have nobody at this particular minute at this particular time to address it. But we are addressing three pieces of legislation that are going to make economic prosperity a greater reality and a more real object of our attentions.

I urge my Republican colleagues to cease this nitpicking on the floor and this nattering, which I'm hearing coming from the other side, and work with us to put Americans back to work. And let us understand that the people have spoken in the last election, and they spoke for jobs and change. We are trying to give it to them, and we invite our Republican colleagues to give us a little bit of that cooperation that will enable us to move more easily forward.

I thank my colleagues.

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

I am always honored to follow the dean of the House, Mr. DINGELL, who is well known for his oratory ability and his passion, and we have great respect. But I have a few things to remind him too.

We passed a $1.2 trillion stimulus bill that was promised to reduce unemployment to 8 percent. Our unemployment is at 9.5 percent. We have 15 million unemployed Americans. Our issue is let's do things that help create jobs. And if we want to talk, you ought to go to the businesses that want to create jobs and they will tell you a cap-and-trade bill that raises carbon prices and energy cost does not help create jobs; in fact, it destroys jobs. It raises gasoline prices, at a minimum, 50 cents. It raises electricity rates. It raises consumer rates for what they pay for home electricity or home heating. And those are just the facts.

We are $13.5 trillion in debt. Now, part of my life—I don't talk about it very much—I taught high school for 4 years, and I taught government history. This authorization and appropriation debate is important because authorizing gives us the right to appropriate. You shouldn't—we do it sometimes—you should not appropriate without an authorization. So you can't hide behind the argument that it's just an authorization, it means nothing. Well, it does mean something. It does mean that you could go and get the money. If you don't authorize, you shouldn't. So that is why we are having this debate. $13.5 trillion. The public is concerned about debt and spending.

We can have a lot of feel-good legislation on the floor, and my colleagues are well-intentioned; but if we want to do things, if we want to fulfill the President's promise of doubling exports in 5 years, we ought to move on these three free trade agreements—Panama, Colombia, South Korea. As was stated, Harley Davidson would like to export motorcycles to Colombia, but they face a high tariff. A tariff is a tax. The tax imposed by Colombia is the only thing that makes our motorcycles not competitive in Colombia—and that's not Columbia, South Carolina, that's the country of Colombia.

Caterpillar would like to export more to Panama. Of course Caterpillar is a great Illinois company, big Earth-moving equipment. If there is talk of a new Panama Canal being built, we would like Caterpillar equipment building that. What prohibits that? A high import tax. That's why we have trade negotiations. And of course my corn and soybean, my pork producers and my beef producers would like to be in those markets.

So this is an important bill to talk about ''green'' industry and environment. I want to remind my folks that according to industry observers, lack of market expertise is not among the primary trade barriers. The three primary barriers to market entry are access to raw materials, labor rate comparisons, and access to foreign markets. This bill does nothing to address the serious market barriers. It also creates a risk of stifling future innovation and development once government picks winners and losers. The market will direct innovation and development once the government picks winners and losers.

Furthermore, China announced in the first week of July that it will cut rare Earth exports by 72 percent for the second half of this year. Rare Earth exports are the minerals needed in the green economy. They're going to control it. They're going to cut their exports. That's what we need, these minerals, to build this stuff. These resources are used in green technologies—in wind turbines, hybrid vehicles, as well as in national security and defense system, in consumer products such as new batteries on the Chevy Volt, mobile phones, PDAs and MP–3s. This cut will drop the amount of exports from just over 28,000 metric tons to just under 8,000 metric tons for the same period as last year.

So we have a challenge. We ought to be negotiating. We ought to get these rare Earth minerals released, or we ought to allow permitting to redevelop our mining operations for our rare Earth minerals. One is shut down; it will take us forever to re-permit it. Naturally we ought to be focusing on it.

Congresswoman MATSUI is a well-respected member of the committee; we appreciate her good work. Of course, BOBBY RUSH, the chairman, does a great job in the city of Chicago. We appreciate the friendship. Unfortunately, we have to bring up other issues, but that is part of being the loyal opposition in these austere times.

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

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

Mr. Speaker, let me return our attention to the matter at hand, to the issue that is before us.

I want to, first of all, thank our chairman of the committee, Mr. WAXMAN, Chairman WAXMAN, and also the ranking member of the subcommittee, Mr. WHITFIELD, for their vigorous support of H.R. 5156, the Clean Energy Technology Manufacturing and Export Assistance Act of 2010. I was proud to cosponsor the bill with the author, Congresswoman MATSUI of California, and also with my other cosponsors, Congresswoman ESHOO and our chairman emeritus, JOHN DINGELL.

□ 1150

I want to thank this lady to my left, Congresswoman MATSUI, for her stellar leadership and for taking the lead on this critical issue.

I am asking my colleagues today to vote on this bill, a bill which addresses the challenges that we face in today's economy. My friends on the other side want to bring up a whole lot of other issues. They want to throw a lot of things on the floor. They want to try to baffle us with a lot of their sidebar discussion.

Yet this bill, the bill that is before us today, will help to increase American manufacturers' green products through the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist U.S. businesses with exporting clean energy technology, products, and services.

We all, Mr. Speaker, know that America is a prime market for foreign manufacturers. The other side doesn't want to deal with the issues that we are discussing in this bill. Though, I must remind all of us that, far too often, the U.S. market is open to everybody else—open to global manufacturers—but sadly, the converse is not always the case. This is the case, however, for green technology products as our Nation is in a unique position to once again lead on a global scale.

The U.S. manufacturing industry faces serious challenges overseas despite the fact that we are a leader in green technology. As I have said repeatedly, we must seize the energy opportunity that we have today lest we slip further behind to foreign competition. We must seize the time, Mr. Speaker, and now is the time. Now is the time. There is no other time like this time. Now is the time.

We need a strong domestic policy to allow the manufacturing industry to be confident enough to penetrate the international market. Also, it is equally important to strengthen and transform our economy and, in doing so, to further assert our global leadership. The disaster that continues to take place in the Gulf of Mexico in the aftermath of the BP oil spill is a wake-up call. We should not only be a global leader in offshore technology; we should also be a leader in green and clean technology exports. When I say ''clean,'' Mr. Speaker, I also mean responsible energy technology.

This bill is results-oriented because I have added language that helps us to evaluate the impact of this program on its ability to create jobs, including the gathering of specific information as to the nature, location, and the duration of those jobs, as well as the methodology used by the Secretary to compile such needed and necessary information.

Mr. Speaker, the jabbering and the nattering, let's bring that to a screeching halt on this bill. This is an important bill. This bill has to go forward. It has to go forward for the American people. It has to go forward for the American economy. It has to go forward so that we can once again assert our leadership across the world in the manufacturing sector, the green and clean manufacturing sector.

I urge my colleagues to vote in favor of this bill and to expand their commitment to significantly increase our exports.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 5156, the "Clean Energy Technology Manufacturing and Export Assistance Act of 2010". This legislation, which provides for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund, will go a long way to ensure that American clean energy technology firms possess the information and assistance required to become and remain competitive in the world markets. The bill will also focus our priorities in the energy sector to reduce production costs, encourage innovation, and promote investment and productivity.

Mr. Speaker it is imperative that the U.S. remain a leader in global exports of innovative technology, particularly clean energy. It is no secret that our dependence on foreign oil and other fossil fuel energy sources is too great. The Clean Energy Technology Manufacturing and Export Assistance Act of 2010 will assist us in our efforts to move away from this problematic energy paradigm. It will provide our domestic clean energy firms the means to keep the U.S. ahead of the curve.

This bill directs the Secretary to provide information, tools, and other assistance to U.S. businesses to promote clean energy technology manufacturing and facilitate the export of clean energy technology products and services. It also promotes the implementation of a national clean energy technology export strategy.

Mr. Speaker, this bill is a practical means to assist our direction in clean energy technology. For these reasons I urge my colleagues to support H.R. 5156.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. DEUTCH) that the House suspend the rules and pass the bill, H.R. 5156, as amended.

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

A motion to reconsider was laid on the table.

ESTABLISHING EMERGENCY TRADE DEFICIT COMMISSION

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1875) to establish an Emergency Commission to End the Trade Deficit, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1875

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The United States has run persistent trade deficits since 1978, and many of such trade deficits since 2000 have been especially large.

(2) There appeared to be some improvements in the United States trade balance in 2009, but this was during a time of global economic crisis, and the reduction in the United States trade deficit appears to be attributable to a shrinking United States demand for imports rather than an increase in United States exports.

(3) Many of the trade deficits are structural—that is, with the same countries, year after year. In 2009, the United States continued to have significant merchandise trade deficits with the People's Republic of China ($226.8 billion), the European Union ($60.5 billion), Japan ($44.7 billion), and Mexico ($47.5 billion), notwithstanding the overall decline in the United States trade deficit. In fact, in 2009, China accounted for 44 percent of the United States merchandise trade deficit.

(4) While the United States has one of the most open borders and economies in the world, the United States faces significant tariff and non tariff trade barriers with its trading partners.

(5) The causes and consequences of the United States trade deficit must be documented and recommendations must be developed to expeditiously address structural imbalances in the trade deficit.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Emergency Trade Deficit Commission (in this Act referred to as the ''Commission'').

(b) MEMBERSHIP OF COMMISSION.—

(1) COMPOSITION.—The Commission shall be composed of 11 members, of whom—

(A) three persons shall be appointed by the President, of whom one shall be appointed to represent labor interests, one shall be appointed to represent small businesses, and one shall be appointed to represent manufacturing interests;

(B) two persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate, after consultation with the Chairman of the Committee on Finance of the Senate;

(C) two persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Finance of the Senate;

(D) two persons shall be appointed by the Speaker of the House of Representatives, after consultation with the Chairman of the Committee on Ways and Means of the House of Representatives; and

(E) two persons shall be appointed by the Minority Leader of the House of Representatives, after consultation with the ranking

minority member of the Committee on Ways and Means of the House of Representatives.

(2) QUALIFICATIONS OF MEMBERS.—

(A) PRESIDENTIAL APPOINTMENTS.—Of the persons appointed under paragraph (1)(A), not more than one may be an officer, employee, or paid consultant of the executive branch.

(B) OTHER APPOINTMENTS.—Persons appointed under subparagraph (B), (C), (D), or (E) of paragraph (1) shall be persons who—

(i) have expertise in economics, international trade, manufacturing, labor, environment, or business, or have other pertinent qualifications or experience; and

(ii) are not officers or employees of the United States.

(C) OTHER CONSIDERATIONS.—In appointing members of the Commission, every effort shall be made to ensure that the members—

(i) are representative of a broad cross-section of economic and trade perspectives within the United States; and

(ii) provide fresh insights to in identifying the causes and consequences of the United States trade deficit and developing recommendations to address structural trade imbalances.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members shall be appointed not later than 60 days after the date of the enactment of this Act and the appointment shall be for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(h) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

SEC. 3. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall be responsible for examining the nature, causes, and consequences of the United States trade deficit and providing recommendations on how to address and reduce structural trade imbalances, including with respect to the United States merchandise trade deficit, in order to promote sustainable economic growth that provides broad-based income and employment gains.

(b) CAUSES OF U.S. TRADE DEFICIT.—In examining the causes of the United States trade deficit, the Commission shall, among other things—

(1) identify and assess the impact of macroeconomic factors, including currency practices, foreign government purchases of United States assets, and savings and investment rates, including savings rates of foreign state-owned enterprises, on United States bilateral trade imbalances and global trade imbalances;

(2) with respect to countries with which the United States has significant, persistent sectoral or bilateral trade deficits, assess with respect to the magnitude and composition of such trade deficits—

(A) the impact of tariff and non tariff barriers maintained by such countries and the lack of reciprocal market access as a result of such barriers;

(B) the impact of investment, offset, and technology transfer requirements by such countries;

(C) any impact due to the failure of such countries to adhere to internationally-recognized labor standards, including the extent to which such failure affects conditions of competition with the United States or the ability of consumers in such countries to buy United States goods and services;

(D) any impact due to differences in levels of environmental protection and enforcement of environmental laws between such countries and the United States, including the extent to which such differences affect conditions of competition with the United States;

(E) policies maintained by such countries that assist manufacturers in such countries, including the impact of such policies on manufacturers in the United States; and

(F) the impact of border tax adjustments by such countries;

(3) examine the impact of free trade agreements on the United States trade deficit;

(4) examine the impact of investment flows both into and out of the United States on the trade deficit, including—

(A) the impact of United States outbound investment on the United States trade deficit and on standards of living and production in the United States;

(B) the impact that the relocation of production facilities overseas has on the United States trade deficit, including by reviewing major domestic plant closures over an appropriate representative period to determine how much production terminated from such closures was relocated offshore;

(C) the impact of foreign direct investment in the United States on the United States trade deficit and on standards of living and production in the United States; and

(D) the impact of United States bilateral investment treaties, including bilateral investment treaties under negotiation, on the United States trade deficit;

(5) examine the role and impact of imports of oil and other energy products on the United States trade deficit; and

(6) assess the extent to which United States foreign policy interests influence United States economic and trade policies.

(c) CONSEQUENCES OF U.S. TRADE DEFICIT.—In examining the consequences of the United States trade deficit, the Commission shall, among other things—

(1) identify and, to the extent practicable, quantify the impact of the trade deficit on the overall domestic economy, and, with respect to different sectors of the economy, on manufacturing capacity, on the number and quality of jobs, on wages, and on health, safety, and environmental standards;

(2) assess the effects the trade deficits in the areas of manufacturing and technology have on defense production and innovation capabilities of the United States; and

(3) assess the impact of significant, persistent trade deficits, including sectoral and bilateral trade deficits, on United States economic growth.

(d) RECOMMENDATIONS.—In making recommendations, the Commission shall, among other things—

(1) identify specific strategies for achieving improved trade balances with those countries with which the United States has significant, persistent sectoral or bilateral trade deficits;

(2) identify United States trade policy tools including enforcement mechanisms that can be more effectively used to address the underlying causes of structural trade deficits;

(3) identify domestic and trade policies that can enhance the competitiveness of United States manufacturers domestically and globally, including those policies of the United States and other countries that have been successful in promoting competitiveness;

(4) address ways to improve the coordination and accountability of Federal departments and agencies relating to trade; and

(5) examine ways to improve the adequacy of the collection and reporting of trade data, including identifying and developing additional databases and economic measurements that may be needed to properly assess the causes and consequences of the United States trade deficit.

SEC. 4. REPORT.

(a) REPORT.—Not later than 16 months after the date of the enactment of this Act, the Commission shall submit to the President and the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains—

(1) the findings and conclusions of the Commission described in section 3; and

(2) any recommendations for administrative and legislative actions as the Commission considers necessary.

(b) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the report.

SEC. 5. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission shall hold at least seven public hearings, one or more in Washington, D.C., and four in different regions of the United States.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS; GAO AUDIT.

(a) IN GENERAL.—There are authorized to be appropriated $2,000,000 to the Commission to carry out this Act.

(b) GAO AUDIT.—Not later than 6 months after the date on which the Commission terminates, the Comptroller General of the United States shall complete an audit of the financial books and records of the Commission and shall submit a report on the audit to the President and the Congress.

SEC. 8. TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 4(a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Texas (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, I urge Members to support H.R. 1875, a bill to establish an Emergency Trade Deficit Commission. This commission will examine the causes and the consequences of the United States' persistent and substantial trade deficits, and it will provide recommendations on how to address and reduce those deficits.

Over the past 10 years, our trade deficits have been unprecedented. Before 2000, our largest trade deficit was in 1987 when the deficit was equal to 3.3 percent of GDP, but that 1987 deficit pales in comparison to the deficits we have had every year from 2000 through 2008. Indeed, in 2006, our trade deficit represented 6.4 percent of GDP, nearly twice as high as in 1987.

These enormous trade deficits are corrosive. They lower our GDP. They weaken our economic growth. It is no surprise that global imbalances and, in particular, huge U.S. trade deficits have contributed to the global economic crisis that we are slowly recovering from. Our trade deficits are improving now, but this appears to be largely due to a still weak economic recovery, not to any structural policy change, and many economists are warning that massive global imbalances will return unless we take corrective action.

Our recent trade deficits are due, in part, to a passive, hands-off approach to trade in the past. Proponents of this flawed approach mistakenly believed that our trade deficits would resolve themselves. Ignoring their effect on U.S. manufacturers, they claim that the mercantilistic practices of China and of some of our trade partners may be okay for the U.S. because they result in cheaper imports for our consumers. This is not a trade policy; this is a recipe for economic failure.

As our President has said: Trade is going to be reciprocal. It is not just going to be a one-way street.

Those words have been backed up by strong action, such as the China safeguard action the administration took last year.

To be sure, there are many causes of our trade deficits, many causes which are not directly related to trade or to industrial policy. The fiscal deficits we amassed over the past decade certainly played a signature role, for example, and we need to confront those issues as well. Trade can contribute substantially to the strength of our economy, but it has to be reciprocal. It has to be two-way trade.

I believe that the work of the Emergency Trade Deficit Commission can help us determine how best to achieve two-way trade. It can help us expand and shape trade to ensure that it is working for working Americans. It can help us make a thing of the past these corrosive trade deficits that weaken our economy and hurt our workers and the manufacturers which employ them.

I, therefore, urge my colleagues to vote in favor of this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Madam Speaker, at this point I yield 4 minutes to the gentleman from Kentucky, who is focused on creating manufacturing jobs through open markets, Congressman DAVIS.

□ 1200

Mr. DAVIS of Kentucky. Madam Speaker, I'm pleased that we're having this debate today about the importance of trade for America's manufacturing sector. Given my extensive experience in manufacturing, I'm pleased to provide my firsthand familiarity with what makes business successful and what creates jobs.

My own experience tells me that international trade is vital to the success of America's manufacturing sector. In my home State of Kentucky, nearly 50,000 manufacturing jobs are dependent on exports. The simple fact is that 95 percent of the world's consumers live outside the United States, and the fastest growing markets are outside our borders. So success in those markets is critical to growing our manufacturing sector and creating good paying jobs.

As the President has noted, America's exports of manufactured goods support one out of every five manufacturing jobs, and those jobs pay 15 percent more than average. We simply must increase exports, and that's the key to any debate about the trade deficit.

If we're going to be successful in growing U.S. exports and reducing the deficit, we need to identify the best practices for doing so. We have real world results that we can use to identify these best practices, and these facts show clearly that there has been no more effective way to reduce the trade deficit and create U.S. jobs than negotiating new trade agreements to open foreign markets to U.S. exports.

The benefits of CAFTA to the United States manufacturing sectors and workers are clear. Because of this agreement, we swung a negative trade balance, a trade deficit in manufactured goods of $1.1 billion, to a trade surplus of $1.9 billion, and we already have a surplus of $1.3 billion so far this year.

Madam Speaker, in the manufacturing world, we'd never base our best practices on just one successful outcome. Fortunately, the success of the Central America Free Trade Agreement is not the only example we have. The United States has implemented trade agreements with eight other countries under the Trade Promotion Authority. In 2009, the U.S. had an overall trade surplus of over $27 billion with these eight countries, and so far in 2010, we have a surplus of over $14 billion.

And the results for the American manufacturing sector are even stronger. In 2009, the United States had a trade surplus of over $29 billion with these countries, and in 2010, $16 billion. This is a track record that firmly establishes the aggressive pursuit of trade agreements as the best practice for increasing U.S. exports and lowering the trade deficit.

Given the ambitious track record of success of our trade agreements, I don't think we need another government commission. However, I understand that for some, the facts I've cited aren't enough and, therefore, I do rise in support of this bill.

I want to help those with doubts about the benefits of trade agreements to see how vital they are to the success of American manufacturing, so I'll support this legislation in an effort to educate others on these benefits, the benefits of well-executed, bilateral, and free trade agreements properly structured between the partners.

I fully expect the commission will reach the same conclusion that I and many others on both sides of the aisle have already reached. However, I'm concerned that we can't simply wait for the commission to do its analysis.

As the President has noted, other countries are racing ahead of us in negotiating agreements that benefit their workers while we sit on the sidelines. That's why I strongly support the President's call to resolve the outstanding issues around the U.S.-South Korea trade agreement.

My colleagues and I on this side of the aisle stand ready to work with the President to implement these best practices and prepare not only the South Korea agreement for congressional approval, but to prepare the agreements with Colombia and Panama as well. I'm confident these agreements will be just as successful for American workers in the U.S. manufacturing sector as our prior agreements.

Mr. LEVIN. I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), our distinguished colleague, a member of the Ways and Means Committee.

Mr. PASCRELL. Madam Speaker, I want to agree with the gentleman from Kentucky (Mr. DAVIS), but there's a catch here. In the last 6 months, we have gained 136,000 manufacturing jobs, private jobs. It's one of the few pluses that we can refer to. So there is hope for the future in terms of manufacturing if we do the right thing.

I rise in support of H.R. 1875, the End the Trade Deficit Act, and I want to thank my friend from Oregon for introducing this important legislation. All through the years, Mr. DEFAZIO continues to speak out over the din and over the years for the American consumer and for fair trade policies. I salute you.

The United States has run a persistent trade deficit with the world since 1978, including structural deficits with several major trading partners year after year. This includes a $220 billion trade deficit with China alone.

In 2001, just think of it, 9 years ago, China was granted admission to the World Trade Organization, that number was $84 billion. It's increased in 9 years by $136 billion. One study by the Economic Policy Institute estimates that the dramatic increase in our trade deficit with China alone has cost this country 2.4 million jobs.

The American people, the middle class, know that our trade policy has not worked for them. They see it in their everyday lives. My hometown of Paterson, New Jersey, I still live there. We close factories. We reopen them south of the border or overseas. Why haven't we stopped the hemorrhaging of jobs to places offshore?

The SPEAKER pro tempore (Ms. MCCOLLUM). The time of the gentleman has expired.

Mr. LEVIN. I yield an additional 2 minutes to the gentleman from New Jersey.

Mr. PASCRELL. We cannot continue down this path. Our trade deficit is unsustainable. We must begin to tackle it if we want to create jobs here in the United States and remain a prosperous country in the future.

There's no silver bullet out there that will balance the books, which is why a comprehensive study of the problem and recommendations for policy solutions, which is proscribed in this legislation specifically, is very necessary.

The commission will look at many of the tactics we know our trading partners use in order to place their exports at an advantage and in order that they have played and gamed the system to our disadvantage:

Foreign currency manipulation, we've addressed it in some esoteric statements now and then. But we know what China is doing, and it hurts us in terms of what the Americas are trying to do.

Tariff and nontariff barriers, just mentioned before in the previous legislation by the gentleman from Illinois.

Foreign subsidization of manufacturing, other countries have different taxing methodologies than we do. They subsidize their industries. How can our industries compete against that unless we address that particular issue, which we're afraid to do. Both sides of the aisle are afraid to address the real issues on trade and the weak environmental and labor standards.

I'm pleased the commission will include the impact of border tax adjustments on our trade deficit, which penalized our exporters by an average of 15.2 percent and are currently totally legal under current global trade agreements.

We will not deal with the imbalance in our trade agreements unless we understand how countries have gamed the system to hurt our workers, and that's why we continue to offshore these jobs.

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

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

Mr. PASCRELL. At the end of the day, the United States is the most open, accessible, and dynamic market in the world. We hold our trading partners, hopefully, to the same standard. We must tackle our trade deficit head-on so that United States businesses and families can continue to prosper in the years to come.

I urge passage of this legislation. I eagerly await the report of the commission.

□ 1210

Mr. BRADY of Texas. Madam Speaker, I yield 3 minutes to the gentleman who is the top Republican on the Oversight Committee on Ways and Means and has focused both on ending the drilling moratorium that is killing U.S. jobs in the gulf, and also opening new markets for our American manufacturers, services, and ag community, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. I thank the ranking member on the Trade Subcommittee, Mr. BRADY from Texas, for yielding time to me.

I think it's important to recognize, and I agree with the gentleman who just spoke, Mr. PASCRELL, that the United States has the most vibrant, open market in the entire world, and we need to take advantage of our leadership position. The U.S. has led globally since 1945 in setting the standards for open trade.

Trade agreements give access to American workers and businesses to other markets for U.S. services and products. Let's face it, 95 percent of the consumers of the world are outside of the borders of the United States. So our trade agreements create U.S. jobs.

Despite having the trade deficit that we've talked about, the U.S. trade balance with 13 countries that we have free trade agreements implemented through Trade Promotion Authority has really improved our export capacity by 476 percent between 2001 and 2009, creating a trade surplus with those respective countries of over $25 billion.

Case by case we can look at these: CAFTA–DR, Chile, Morocco, Singapore, Australia. These trade agreements actually exceeded actual export growth estimates initially put forth by the International Trade Commission. The U.S. had a trade surplus with each of these countries, enhancing the competitiveness of U.S. workers and businesses.

The failure to implement an aggressive trade strategy that focuses on exports puts the U.S. at extreme risk of falling behind competitively. We know that China's embarking on a very aggressive trade policy globally. Other countries, Brazil. We have a very multipolar world today with very aggressive trade policies working against us, and our country has really been on the sidelines for the last year-and-a-half in trade. This failure threatens U.S. credibility globally. Frankly, it threatens the U.S. credibility. And it's also a threat to the historic U.S. leadership role that we have set in setting open standards for global trade.

Now, I believe that this new commission really is unnecessary. I am going to support it if it's the only way we can jump-start something on trade, but I really do think it's unnecessary. And if you go back and look at the historic role that the Ways and Means Committee has played in implementing an open trade policy, a trade policy that benefits U.S. businesses and U.S. workers, it goes all the way back into the twenties, and possibly even before that.

I remember reading about Cordell Hull as a member of the House Ways and Means Committee, a Democrat who espoused open trade, and then went on to become Secretary of State and continued to espouse open trade. Our committee, the Ways and Means

Committee, has an illustrious history in doing this, and I believe that's where the leadership should come from.

Mr. Chairman, I believe we can work together in trying to implement in working with this current administration to come up with a really good, solid trade strategy that really promotes U.S. competitiveness. That's where I believe the authority should lie.

I believe it's pretty clear what we need to do. We ought to implement the three pending free trade agreements: South Korea, Panama, and Colombia. Let's move forward on these. These will immediately help enhance exports and create U.S. jobs. They already have access to our market. We need access to those markets. In the hearing just yesterday, Stu Eizenstat, who served in the Clinton administration, talked about these being no-cost stimulus, no-cost job creation mechanisms.

I also believe, in addition to implementing a very aggressive trade strategy that focuses on U.S. exports not just for large corporations but small and mid-sized companies as well, where we can really enhance our export capacity, we also need to take a look at the other things holding us back on U.S. competitiveness.

We need to lower the corporate rate. If we lower the corporate tax rate, this will enhance U.S. competitiveness. And we also need to back away from some of these proposals in international tax that are hurting U.S. competitiveness.

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

Mr. BRADY of Texas. I yield the gentleman 1 additional minute.

Mr. BOUSTANY. If we lower our corporate tax rate at least down to OECD averages, that will enhance U.S. competitiveness. And we do have a different tax system than other countries utilize that I think actually hurts our competitiveness. But if we actually take steps such as what the administration has proposed in its current budget in the international tax treatment of U.S. companies, we're actually going to hurt U.S. job growth, we're going to hurt exports, and we're going to hurt U.S. competitiveness. So I think it's imperative that we take a look at this. And our committee, the Ways and Means Committee, should take the lead in this issue as well.

Mr. LEVIN. It is now my distinct pleasure to yield 3 minutes to the author of this legislation, the active, distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the chairman.

It's interesting to hear some Republicans on the other side of the aisle say this commission isn't necessary. We are going to run a $700 billion trade deficit this year. That means we will borrow, predominantly from China, Japan, and a few other countries, $700 billion to buy things that we used to make in America. And it's not a level playing field. We get played for a sucker in these trade deals.

We need a new, strong trade policy. Yes, American workers can compete, but not on an unfair, tilted playing field, which is what they're being asked to do today. I will give a couple of examples. When we were doing MFN permanently for China, which I voted against because we lost that annual leverage with them, wheat guys from Oregon came in, and they said, Congressman, right now a ship is going into China. Imagine what it's going to mean for our markets. They're finally accepting our wheat. This new trade deal's going to be great.

I said, Well, actually, I have got translated broadcasts of their agriculture minister that say that they're not going to allow that, and they're not going to become dependent upon imported food. They said, Oh, no, you are wrong. So, yeah, that one ship got in.

Congress voted the deal, China was permanently off the hook to be reviewed for unfair trade practices by the Congress, and, guess what, that was the last ship. They came in the next year kind of hanging their heads and said, You were right. Are you going to say it? I said, No. I am going to say, what are we going to do now? And talked about fighting back against these unfair trade practices.

We can look at just after the first President Bush signed the deal with Canada that was supposed to deal with their unfair subsidies and dumping of cheap lumber into the U.S. But before the ink was even dry on the deal, Canada reclassified much of their lumber to salvage. They basically started giving away their trees on the stump instead of making companies buy them and provided subsidized transportation and other things and again flooded the U.S. market. We're still fighting with the Canadians 17 years later over their subsidized lumber, and we've still lost thousands of jobs.

Yeah, there was a little bit of cheaper lumber available here; but when you lose the jobs for working-class Americans, middle class American families, our consumers, when they lose their jobs, it doesn't matter if a house is maybe $300 or $400 cheaper. They can't afford the house. So we need a level playing field.

We need to identify these barriers that are being put up by the Chinese and others. The Chinese are going to run more than a quarter of a trillion dollar trade surplus with the U.S. this year. They recently passed a law saying they're going to have a huge renewable program in China. And the law says that nobody can buy a renewable windmill or photovoltaic or anything else if it wasn't manufactured in China by a Chinese company.

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

Mr. LEVIN. I yield an additional 2 minutes to the author of the bill.

Mr. DEFAZIO. I thank the gentleman.

So the Chinese have passed a law saying that no one in China can buy a U.S.-made windmill or photovoltaic. If we get these green jobs and green industry going that the President wants, the Chinese aren't going to buy them. But guess what? The so-called stimulus bill that passed this Congress, part of those funds, our taxpayer dollars, money we borrowed in part from China to finance that bill, were used to buy windmills made in China. They can get their windmills in here like that.

There's a company proposing to assemble photovoltaics in my hometown of Eugene, Oregon. But I also have people in Oregon trying to keep their companies going with made in America photovoltaics. But they are having trouble competing with the subsidized cheap junk from China because their photovoltaics are not very good. Again, we can't send our ours there, but they can send theirs here without any constraints.

I remember back to Lee Iacocca, back when we used to sort of laugh at the Japanese cars. And when he had minivans and the Japanese started producing minivans, he said, You know, I produce a minivan for $16,000. I send it to Japan, it sits on the dock for 6 months while a series of inspectors come down and look at it. And then finally when it gets to the showroom, it costs $30,000 and it's been there 6 months. He said the Japanese take their minivan, it costs $17,000 to make it—they were less efficient then—he said they put it on a ship, it gets to Portland, they roll it off, it's in the showroom the next day. Do we ever reciprocate?

We say, okay, if you are going to keep our cars on your docks for 6 months, how about we're going to keep your cars on our docks for 6 months? And that's what the trade commission will point to. It will point to the unfair trade barriers, these whole series of different phytosanitary, or actually safety inspections, or currency manipulation, all of the things that China and other countries are doing to steal our jobs and kill off our industries. This commission can point to those things, they can emphasize them, and they can propose ways that we can deal with it more meaningfully in trade agreements in the future.

I recommend to my colleagues, help end the trade deficit. Vote for this legislation.

□ 1220

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the former top Republican on the Trade Subcommittee, the gentleman from California who's focused on creating jobs through selling more California and United States products and services, Mr. HERGER.

Mr. HERGER. Madam Speaker, I find it ironic that we are here today creating one more commission to study a problem and report back with possible solutions some time in the future when we could be taking action right now today that would reduce our trade deficit and make a real difference for American workers.

One of the findings in this bill states the problem very clearly: ''While the United States has one of the most open economies in the world, the United States faces significant tariff and non-tariff trade barriers with its trading partners.''

For example, over 90 percent of Panamanian and Colombian exports enter the U.S. duty free. Additionally, the average Korean tariff for U.S. exporters is more than four times the average tariff that Korean products face in the United States market.

We could slash these high tariffs on U.S. exports and level the playing field for American workers by passing the current pending Free Trade Agreements with these three nations.

Madam Speaker, I urge my colleagues to continue the bipartisan tradition since World War II of supporting trade and call for passage of the pending FTAs with Colombia, Panama, and South Korea. If we really want to create jobs, pass these trade agreements. If we want to increase exports, pass these trade agreements. If we want to reduce the trade deficit, pass these trade agreements. We don't need another commission; we need action.

Mr. LEVIN. I reserve the balance of my time.

Mr. BRADY of Texas. Madam Speaker, I yield myself such time as I may consume.

First, addressing some earlier comments, many Democrats, including Chairman LEVIN, supported bringing China into the World Trade Organization to force them to play by the rules. And since we've done that, when they have violated those rules, the United States has prevailed in seven of the eight complaints we have brought to that organization. So it is helping keep China in line so we have a level playing field.

Also, if you've picked up the paper in the last week, you've noticed that while auto sales in the United States for our auto manufacturers has remained flat, its sales are growing overseas, and its profits are growing because they're allowed to sell American automobiles around the world. That's good for the U.S. auto workers in the United States.

I appreciate the chairman bringing this legislation together. I know it is well-intended. It's important to tackle America's trade deficit the right way. And I think everyone understands another government commission alone is no substitute for new customers for American workers, farmers, and manufacturers.

The best way to strengthen the trade deficit while strengthening America's economy is to reduce America's dependence on foreign oil and open the world to more U.S. products and services. I know if my Democrat friends and those in the White House are serious about reducing the trade deficit, we are eager to work with them by starting to take up and passing the pending trade agreements with South Korea, Panama, and Colombia.

I rise in support of this bill because I think that any objective and honest commission will find that creating new markets and new customers for American exports will reduce our trade deficit, will create jobs, and stimulate our economy.

I think it's absolutely appropriate that Congress is considering this legislation today of all days. Today is the fifth anniversary of House passage of the U.S.-Central American Free Trade Agreement, which gives us an opportunity to look at real results. Those results clearly show how trade agreements increase U.S. sales and reduce trade deficits. As you know, America is a very open market. Countries sell into the United States. But when we try to sell our products, too often we find that ''America need not apply'' sign.

Trade agreements tear that sign down and give us a chance not one-way trade in, but two-way trade where we have a level playing field. The world has changed. It's not enough to simply buy American. We have to sell American. We have to sell our products and goods and services throughout this world. In fact, over 80 percent of our trade deficit today is with countries that are not trade agreement partners, that are not level playing fields for the United States. That's why we push hard for those agreements.

For example, 5 years ago the United States had a $1.2 billion trade deficit with Central America. Last year, the United States had turned that around, because of the agreement, to a $1.2 billion trade surplus, and we're on track to surpass that surplus again this year. Last year, the United States had a trade surplus in manufactured goods with our Central American partners of almost $2 billion. We're on track again this year.

Nor is CAFTA the only example of how trade agreements can improve the U.S. trade balance. This week also marks the eighth anniversary of the final House vote on the Trade Act of 2002, under which we have resoundingly successful trade agreements with 13 countries now in force. Last year, the United States had a trade surplus of over $25 billion with these 13 countries. And so far this year, we have a surplus again.

Looking at just trade in manufactured goods reveals that these agreements were even better for American manufacturing workers. Last year, the United States had a trade surplus of over $29 billion in manufactured products with these countries that we have free trade agreements. And again, we have this year a surplus already of nearly $16 billion. Without question, these trade agreements have reduced U.S. trade deficits and increased U.S. trade surpluses.

The three pending agreements with Colombia, Panama, and South Korea would have the same results by leveling the playing field for our American workers.

Madam Speaker, there is one sector in which the United States runs a structural trade deficit, that is energy, and I appreciate the chairman including this in the commission. Last year, our deficit in energy products accounted for almost half of the trade deficit.

So our trade deficit isn't principally in goods—it's in oil, it's in energy. That's what the American people want to change. We can take an enormous step toward reducing our trade deficit simply by increasing American-made energy. Unfortunately, many Democrats in Congress have taken just about every step they can to reduce American-made energy production.

First, House Democrats rushed through the House a massive national energy tax that would cripple the U.S. energy sector. Now, the White House has defied the courts and has imposed a moratorium on offshore drilling that damages jobs and damages U.S. energy production. The impact of that moratorium would be to increase the deficit because it will result in more imports of foreign oil. This moratorium also means fewer manufacturing jobs.

In fact, last week a recent analysis by IHS Global Insight found the drilling moratorium in the gulf would result in over 300,000 jobs lost along the gulf and over $147 billion in lost State, local, and Federal tax revenue. It is a terrible blow to American jobs.

If the sponsors of this legislation are serious—and I believe they are—about reducing the trade deficit and working together to create manufacturing jobs, let's focus on negotiating more trade agreements to open foreign markets to our U.S. sales and promoting U.S. energy production. We don't need a new government commission to accomplish either of these.

□ 1230

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

Mr. LEVIN. Now, that the distinguished ranking member on the Trade Subcommittee has yielded back the balance of his time, I will close.

First of all, I want to thank Mr. DEFAZIO for introducing the bill and for his willingness and his really effective efforts to work with us. His staff also collaborated in bringing this bill to the floor. I also want to thank Congressman CAMP and Congressman BRADY and their staff for working with us.

So let me just say a word. We'll debate trade issues another time. I think everybody here has spoken about the importance of two-way trade and ending the one-way street. The problem with the Korea agreement, as it was negotiated, was that when it comes to the industrial sector, there was no way it was even close to a likelihood that there would be two-way trade in vital industrial sectors. So far it's only been one way, and now steps have to be taken with the other provisions in the bill to make sure there's two-way trade in industrial, as well as agricultural, goods as well as opening up their markets to service products.

I think we're now finished with this. We can discuss the moratorium on drilling some other day, and I now urge passage of this bill.

Mr. DINGELL. Mr. Speaker, I rise to express my strong support for H.R. 1875, the End the Trade Deficit Act. I wish to commend my colleague, Congressman DEFAZIO of Oregon for his fine work on this bill.

At a time of nascent national economic recovery, we have the opportunity to right the policy failures of the past. This is particularly important with respect to trade. I have long criticized the NAFTA trade agreement model for its detrimental effect on this country's manufacturing base. Indeed, with the implementation of NAFTA and CAFTA, we have witnessed the off-shoring of millions of good-paying American jobs.

In light of this, H.R. 1875 will direct establishment of a commission to develop a trade policy plan that will eliminate the U.S. merchandise trade deficit and develop a competitive trade policy for the 21st century. I am particularly pleased that this report, which will include recommendations for administrative and legislative actions to reduce this deficit, must be submitted to the Congress and the President prior to the President's submitting any free trade agreement to the House and Senate for approval.

Mr. Speaker, H.R. 1875 will substitute measured concern in place of rash trade policy. I urge my colleagues to vote in favor of this bill and in so doing, help this country achieve sustainable economic recovery.

Mr. COSTELLO. Madam Speaker, I rise today in support of H.R. 1875, the End the Trade Deficit Act of 2009.

Since coming to Congress, I have worked to level the playing field of international trade, stop the illegal trade practices of other countries, notably China, and support American workers. The first step in achieving these goals must be addressing our $375 billion trade deficit with other countries. While this deficit is down from the $753 billion deficit we had in 2006, as the global economy recovers, this deficit has increased by billions of dollars each month, and our deficit with China stands at a staggering $226 billion. In addition, the U.S. has lost 3,178,000 manufacturing jobs since 1998 and the recession has aggravated this damaging trend.

The Trade Deficit Review Commission established by H.R. 1875 will take positive steps to address the trade deficit by developing a new, competitive trade policy that emphasizes fair trade and U.S. jobs. Our trade policy must promote the export of U.S.-made goods to foreign markets and support our workers rather than aiding the multi-national corporations who seek weaker labor, safety, and environmental requirements overseas.

I have consistently opposed free trade agreements—including NAFTA and DR–CAFTA—because I believe they have driven good-paying American jobs out of the country. H.R. 1875 is needed to reverse these damaging trade agreements and takes a positive step forward to revitalize manufacturing in the U.S. and create jobs here at home.

Madam Speaker, I urge my colleagues to join me in supporting this important legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 1875, as amended.

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

The title was amended so as to read: ''A bill to establish the Emergency Trade Deficit Commission.''.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL SAVE FOR RETIREMENT WEEK

Ms. SCHWARTZ. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1481) supporting the goals and ideals of ''National Save for Retirement Week'', including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1481

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas financial literacy is an important factor in United States workers' understanding of the true need to save for retirement;

Whereas saving for one's retirement is a key component to overall financial health and security during retirement years, and the importance of financial literacy in planning one's retirement must be advocated;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of such plans at all or to the full extent allowed by such plans as prescribed by Federal law;

Whereas the need to save for retirement is important even during economic downturns or market declines, making continued contributions all the more important;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to develop personal budgets and financial plans including retirement savings strategies and to take advantage of the availability of tax-preferred savings vehicles to assist them in saving for retirement; and

Whereas October 17 through October 23, 2010, has been designated as ''National Save for Retirement Week'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''National Save for Retirement Week'', including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;

(2) supports the need to raise public awareness of the availability of a variety of ways to save for retirement which are favored under the Internal Revenue Code of 1986 and are utilized by many Americans but which should be utilized by more;

(3) supports the need to raise public awareness of the importance of saving adequately for retirement, and the continued existence of tax preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing retirement savings for all the people of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

GENERAL LEAVE

Ms. SCHWARTZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Ms. SCHWARTZ. Madam Speaker, I yield myself such time as I may consume.

Today, I rise in support of the National Save For Retirement Week resolution that I have sponsored with my friend and colleague, Representative SAM JOHNSON. He and I have championed this proposal, which has passed the House of Representatives in each of the last 3 years.

Saving for one's retirement is of paramount importance. Less than two-thirds of workers are saving for retirement and those who are saving are not saving enough to adequately fund their retirement. As a result, too many Americans rely solely on Social Security to fund their retirements. Social Security is the bedrock of retirement security and retirement income for many Americans. However, on average, Social Security retirees today receive $14,000 a year, hardly adequate as the sole source of retirement income for most Americans.

This resolution will help raise public awareness of the importance of saving for retirement and encourage greater personal financial responsibility. Congress and employers can encourage saving for retirement through information on long-term saving vehicles and payroll deduction options that currently exist for most American workers.

Since the economic downturn, the personal savings rate has risen to 3 percent, up from 2 years ago when Americans were barely saving at all. We can build on this recent experience to raise awareness about the need to save for emergencies, for future expenses, and for retirement. Small savings throughout one's working lifetime will result in a more secure retirement.

So as we acknowledge the 75th anniversary of Social Security and renew our commitment to Social Security's guaranteed minimum benefits for future seniors, we should also acknowledge and support this resolution and encourage more Americans to save for their retirement.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, July 28, 2010.

Hon. SANDER M. LEVIN,
Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: I am writing to you concerning the jurisdictional interest of the Committee on Education and Labor in H. Res. 1481, supporting the goals and ideals of ''National Save for Retirement Week.''

Our committee recognizes the importance of H. Res. 1481 and the need to move expeditiously. Therefore, while we have a valid claim to jurisdiction over portions of the resolution, I do not intend to request a referral. This, of course, is conditional on our mutual understanding that nothing in this resolution or my decision to forego a referral waives, reduces or otherwise affects the jurisdiction of the Committee on Education and Labor, and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Congressional Record during consideration of this resolution by the House.

Thank you for your consideration in this matter.

Sincerely,

GEORGE MILLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 28, 2010.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR GEORGE: Thank you for your recent letter regarding your committee's jurisdictional interest in H. Res. 1481, supporting the goals and ideals of ''National Save for Retirement Week.''

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation.

Sincerely,

SANDER M. LEVIN,
Chairman.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Pennsylvania for working with me on this resolution. This resolution calls attention to the importance of saving for retirement by designating October 17 through October 23, 2010, as National Save For Retirement Week.

With fewer and fewer employers offering traditional pension plans and with Social Security intended to provide only basic income support, saving for retirement is more important than ever before. The good news, however, is that the tax code offers any number of savings incentives that not only are intended to encourage Americans to save but also make it easier for them to do so.

For young workers, just putting away a little bit from each paycheck through tax-deferred retirement savings accounts such as a 401(k) plan or an IRA can add up to a sizeable nest egg. While young workers may not start off with big paychecks, they at least have the benefit of time and compound interest on their side. Meanwhile, for older workers nearing retirement, the tax code can help by enabling these workers to make catch-up contributions.

With this resolution, it is my hope that we can make more Americans aware not just of the importance of saving for retirement but of the available tax incentives to do so. By taking advantage of these incentives and regularly putting away a little bit, Americans can better secure their retirement.

That's why Ms. SCHWARTZ and I have offered this resolution.

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

Ms. SCHWARTZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ) that the House suspend the rules and agree to the resolution, H. Res. 1481.

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

A motion to reconsider was laid on the table.

□ 1240

CARBON MONOXIDE POISONING PREVENTION ACT

Mr. SARBANES. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1796) to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1796

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 ''Carbon Monoxide Poisoning Prevention Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

(2) Unintentional carbon monoxide poisoning from motor vehicles and the abnormal operation of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, in residential homes and other dwelling units kills more than 400 people each year and sends more than 20,000 to hospital emergency rooms for treatment.

(3) Research shows that purchasing and installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(4) Congress should promote the purchase and installation of carbon monoxide alarms in residential homes and dwelling units nationwide in order to promote the health and public safety of citizens throughout the Nation.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) The term ''approved carbon monoxide alarm'' means a carbon monoxide alarm that complies with the standards published, incorporated, or amended by the Commission with respect to such alarms pursuant to this Act.

(2) The term ''carbon monoxide alarm'' means a device that detects carbon monoxide and sounds a distinctive audible alert before concentrations of carbon monoxide reach levels that would cause symptoms of carbon monoxide poisoning.

(3) The term ''Commission'' means the Consumer Product Safety Commission.

(4) The term ''dwelling unit'' means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence (including apartment buildings) and each living unit in a mixed use building.

(5) The term ''fire code enforcement officials'' means officials of the fire safety code enforcement agency of a State or local government.

(6) The term ''NFPA 720'' means the Standard for the Installation of Carbon Monoxide Warning Equipment in Dwelling Units issued by the National Fire Protection Association in 2008, and any amended or similar successor standard pertaining to the proper installation of carbon monoxide alarms in dwelling units.

SEC. 4. ADOPTION OF CONSUMER PRODUCT SAFETY RULES.

(a) MANDATORY STANDARDS.—Notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Commission shall publish in the Federal Register as mandatory consumer product safety standards the American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL 2034) and the American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL 2075). Such mandatory consumer product safety standards shall take effect 180 days after they are published.

(b) REVISION OF STANDARDS.—Beginning 1 year after the date of enactment of this Act, if either standard described in subsection (a) is revised through the applicable consensus standards development process, Underwriters Laboratories shall notify the Commission of the revision and the revision shall be incorporated in the consumer product safety rule unless, within 60 days of such notice, the Commission determines that such revision does not carry out the purposes of this Act and publishes the basis for such a determination in the Federal Register.

(c) RULEMAKING.—Notwithstanding any other provision of this Act, the Commission may, at any time subsequent to publication of the consumer product safety standards required by subsection (a), initiate a rulemaking in accordance

with section 553 of title 5, United States Code, to amend either standard to include any provision that the Commission determines is reasonably necessary to ensure the safe and effective operation of carbon monoxide alarms.

(d) TREATMENT OF STANDARDS FOR PURPOSES OF ENFORCEMENT.—For purposes of enforcement under the Consumer Product Safety Act, the standards published by the Commission pursuant to subsection (a), including any revision to such standards pursuant to subsection (b) or (c), shall be consumer product safety rules as defined in section 3(a)(6) of such Act (15 U.S.C. 2052(a)(6)).

SEC. 5. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Commission shall complete a study to evaluate whether requiring a language or languages in addition to English would improve the effectiveness of the label required of manufacturers of portable generators by the Commission under part 1407 of title 16, Code of Federal Regulations, to warn consumers of carbon monoxide hazards.

SEC. 6. GRANT PROGRAM FOR CARBON MONOXIDE POISONING PREVENTION.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (f), the Commission shall establish a grant program to provide assistance to eligible States and local governments to carry out the carbon monoxide poisoning prevention activities in subsection (d).

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State or local government shall—

(1) demonstrate to the satisfaction of the Commission that a State or local government has adopted a statute, or a State or local government agency has adopted a rule, regulation, or similar measure with the force and effect of law, requiring approved carbon monoxide alarms to be installed in accordance with NFPA 720 in dwelling units; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require, which application may be filed on behalf of any qualified State or local government by the fire code enforcement officials for such State or local government.

(c) GRANT AMOUNT; PRIORITY.—The Commission shall determine the amount of the grants awarded under this section, and shall give priority to applications from States or local governments that—

(1) require approved carbon monoxide alarms to be installed in each existing dwelling unit—

(A) within which a fuel-burning appliance is installed, including a furnace, boiler, water heater, fireplace, or any other apparatus, appliance, or device that burns fuel; or

(B) which has an attached garage;

(2) propose to serve vulnerable populations such as children, the elderly, or low-income households; and

(3) demonstrate greater than average losses of life from carbon monoxide poisoning in the home.

(d) USE OF FUNDS.—A State receiving a grant under this section may use grant funds—

(1) to purchase and install approved carbon monoxide alarms in the dwelling units of low-income families or elderly persons, facilities that commonly serve children or the elderly, including childcare facilities, public schools, and senior centers, or student dwelling units owned by public universities;

(2) to train State or local fire code enforcement officials in the proper enforcement of State or local laws concerning approved carbon monoxide alarms and the installation of such alarms in accordance with NFPA 720;

(3) for the development and dissemination of training materials, instructors, and any other costs related to the training sessions authorized by this subsection; and

(4) to educate the public about the risk associated with carbon monoxide as a poison and the importance of proper carbon monoxide alarm use.

(e) LIMITATION ON USE OF FUNDS.—

(1) ADMINISTRATIVE COSTS.—No more than 10 percent of any grant funds may be used to cover administrative costs not directly related to training described in paragraph (2) of subsection (d).

(2) PUBLIC OUTREACH.—No more than 25 percent of any grant may be used to cover costs of activities described in paragraph (4) of subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission $2,000,000 for each of fiscal years 2011 through 2015 to carry out this Act, such sums to remain available until expended. Any amounts appropriated pursuant to this paragraph that remain unexpended and unobligated at the end of fiscal year 2015 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Product Safety Act.

(g) COMMISSION REPORT.—Not later than 1 year after the last day of each fiscal year for which grants are made under this section, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

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

I rise today in support of H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act, sponsored by Representative JIM MATHESON of Utah.

Carbon monoxide poisoning kills more than 400 people each year and sends more than 20,000 people to hospital emergency rooms for treatment. Carbon monoxide can build up in your home in a furnace or some other fuel-burning appliance if it isn't functioning properly.

What makes this gas particularly dangerous is that you can't see it or smell it. At least with a fire, you can see the flames, smell the smoke, or feel the heat. With carbon monoxide, in many cases, all you start to feel is flu-like symptoms. You have no idea you are facing something even more dangerous.

But there is a simple and effective way to combat carbon monoxide poisoning: installing a carbon monoxide alarm in your home.

H.R. 1796 takes two important steps to promote the use of carbon monoxide alarms in homes and other places:

First, this legislation makes the voluntary industry standards for carbon monoxide alarms mandatory consumer product safety standards. This means these lifesaving devices will be required to meet these performance standards rather than allowing compliance to just be voluntary. If we are going to encourage the use of a safety device, then we must be sure that it meets and will continue to meet industry performance standards. Putting in place mandatory standards means that if a carbon monoxide alarm doesn't meet the relevant performance standard, then it cannot be sold in the United States and it will be subject to action by the Consumer Product Safety Commission.

Secondly, this legislation authorizes a grant program to encourage States to adopt laws to expand the use of carbon monoxide alarms in all homes with fuel-burning appliances or attached garages. The authorization for their program is very modest, just $2 million in each of fiscal years 2011 through 2015. The funds will help States and local governments with strong carbon monoxide alarm laws to carry out training for enforcement of those laws, educate the public about the dangers of carbon monoxide, and, most importantly, to purchase alarms for low-income and elderly households and other places serving vulnerable populations.

I want to thank my colleagues in the minority for working with us on this legislation. I want to salute my colleague, Representative MATHESON. I would also like to thank the industry and other stakeholders for offering their advice to help improve this legislation and for their support of this measure.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Madam Speaker, I rise not really in opposition to H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act—in fact, parts of this legislation I am very much in favor of, particularly regarding the encouragement in the grant program to try to help people to know of what the gentleman from Maryland just said in regard to the danger of carbon monoxide, which is colorless and odorless. It causes far too many poisonings and, indeed, deaths. I think, 170 Americans each year. One would be too many, Madam Speaker.

I question, somewhat, the necessity of making the standards for the detectors going from a voluntary standard to a mandatory standard.

But in regard to encouraging widespread use of the detectors, not only in places of business but, absolutely, in a home setting where a lot of times you have got these generators because of a power outage or camping equipment that, you know, is misused or malfunctions and it leads to these tragedies that we are trying to avoid.

I absolutely commend my colleagues, and in particular my friend from Utah, JIM MATHESON, in bringing this bill forward. I was very supportive in the committee markup.

Madam Speaker, I would like to take the opportunity to relate the same story that I did in committee, a true

story, unfortunately. When I was growing up, my parents owned what you might refer to as a mom-and-pop motel, sort of like a Motel 6, except I think we had 25 units and we charged $8 a night for one person and $10 a night for two, but that was a family business.

For a number of years, Madam Speaker, we didn't have a home. My parents had an efficiency apartment in the office of the motel. Most of the time we would have vacancies, so my two brothers and I would spend the night in one of the motel rooms, and it would vary from night to night.

I was about, I guess, 13 years old, one weekend in unit 1. Unit number 1 was a unit with two double beds. It was a larger unit of our 25-unit motel, so we would always like to stay in unit number 1. On the weekend, a cold winter night, my brother was 14, I was 13, and his best friend was 14, and we stayed in unit number 1.

Well, the very next weekend, unit number 1 was rented, so we weren't able to stay there. I remember going to mass on Sunday morning. My dad was Methodist, my mom was a Catholic, and Mom took my two brothers and me to mass.

□ 1250

When we came back, unfortunately in the parking lot of that motel I saw what I had never seen before, a beige-brown hearse—in fact, two or three of them—in the parking lot of this motel.

Madam Speaker, what had happened is three soldiers that weekend stayed in unit No. 1; they were 18–19 years old. They had crossed the State line because you could drink beer in South Carolina when you were 18 years old, and you couldn't do it in Georgia, so we would get a lot of weekend business from the military. These young soldiers got asphyxiated that night with carbon monoxide poisoning. It was just such a devastating thing to my dad. It just about caused him to lose his mind, quite honestly, and his business, even though it wasn't his fault. It was a faulty heater that the way the wind was blowing that night, it blew the burnt fuel back into the room, and these three soldiers, young boys, God bless them, lost their lives that night.

So when Representative MATHESON brought this bill before the Energy and Commerce Committee, as you know, Madam Speaker, as also a committee member, man, it brought all of that back. It was 55 years ago that that happened, and it was just like it was yesterday.

So I commend the gentleman, I absolutely do. I have some concerns about changing from a voluntary standard to a mandatory standard; but this is good work, this is good legislation, and for that reason I am going to support it.

Madam Speaker, I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, our colleague from Georgia's story really puts a punctuation mark on why this legislation is so critical.

I am pleased to yield such time as he may consume to the sponsor of the legislation, Representative MATHESON from Utah.

Mr. MATHESON. Madam Speaker, I am pleased to rise to talk about this bill today.

This legislation, quite frankly, addresses an issue that has been growing in awareness, but it still requires attention in order to significantly reduce the number of easily preventable injuries and deaths caused by carbon monoxide poisoning in the United States.

Annually, over 500 people die from carbon monoxide poisoning and an additional 15,000 are hospitalized for carbon monoxide poisoning sickness. Unfortunately, many of these individuals are already at risk, the elderly and children.

In many cities and States, including my home State of Utah, local governments have really addressed this issue. They are at the forefront of an effort to pass legislation aimed at reducing carbon monoxide poisonings in homes, and I hope this legislation will expand those efforts.

The risks of this type of poisoning are real, yet the danger is poorly understood. Carbon monoxide poisonings are often misdiagnosed as stomach flu, and individuals can unknowingly spend hours inside homes which have dangerously high levels of carbon monoxide. Nearly all of these incidents could have been easily prevented with functioning carbon monoxide alarms. This legislation aims to cut down on those numbers while increasing awareness of the issues by taking three simple steps: number one, it codifies accepted scientific standards for carbon monoxide alarms into law; number two, it examines whether carbon monoxide warnings on portable generators should be expanded; and, number three, it establishes a grant program for States and local governments to provide carbon monoxide alarms and raise awareness of carbon monoxide poisoning.

Madam Speaker, I would also like to point out that this is a bill that has gone through a legislative process. We held hearings. And from the original bill that was introduced, the text has changed. That is what we are here to do as legislators is we try to work through things. And through the Energy and Commerce Committee, in bringing in witnesses to learn more about this issue, we have perfected this bill and made it better.

I really want to acknowledge the efforts of everyone on the Energy and Commerce Committee, in a bipartisan way, trying to address this issue as best we could. That is what we are supposed to do here in Congress. There is a lot of bickering going on in Washington these days, but here's an example where folks actually sat down and rolled up their sleeves and tried to address an issue in a constructive way. So I want to acknowledge that effort on both sides of the aisle, and I encourage all my colleagues to support this bill.

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

Mr. SARBANES. Madam Speaker, again, we can't emphasize enough the importance of this legislation. You've heard recounted here the tragic stories of what happens when you don't have these kinds of mechanisms in place and you don't have the education to support people in terms of bringing this into their homes. And so I want to again congratulate Representative MATHESON for his efforts, thank my colleagues for the bipartisan support of this measure, and urge its passage today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 1796, as amended.

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

A motion to reconsider was laid on the table.

HONORING DR. ROBERT M. CAMPBELL, JR.

Mr. PALLONE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1499) honoring the achievements of Dr. Robert M. Campbell, Jr., to provide children with lifesaving medical care, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1499

Whereas Dr. Robert M. Campbell, Jr., is a pediatric orthopedic surgeon affiliated for many years with the University of Texas Health Science Center at San Antonio and now Director of the Thoracic Insufficiency Center at The Children's Hospital of Philadelphia;

Whereas Dr. Campbell has devoted his career to working with children suffering from congenital scoliosis, fused ribs, small chest, and missing ribs;

Whereas Dr. Campbell, working with other specialists, helped identify Thoracic Insufficiency Syndrome, which is associated with the rare conditions of congenital scoliosis, fused ribs, small chests, and missing ribs, and results in the inability of the thorax to support normal respiration or lung growth which is often fatal in children;

Whereas the life-saving medical devices often used in adult care of rib conditions are not designed or sized for the bodies of children suffering from Thoracic Insufficiency Syndrome or similar conditions;

Whereas, over the years, physicians have often turned to adult devices, less effective treatments, more invasive therapies, or jury-rigging makeshift equipment to provide vital care for children;

Whereas doctors were often left with no effective treatment for these critically ill children;

Whereas, in 1987, Dr. Robert Campbell, working together with the late Dr. Melvin

Smith, a professor of pediatric general surgery at CHRISTUS Santa Rosa Children's Hospital, invented the Vertical Expandable Prosthetic Titanium Rib, which is easy to implant and easy to expand with minor outpatient surgery as the child grows;

Whereas the first successful surgery by Drs. Campbell and Smith in 1989 began a long crusade to receive approval for the device from the Food and Drug Administration (FDA); however, so few children are in need of such devices that study trials stretched out for well over a decade;

Whereas, after over 14 years of advocacy by Dr. Campbell and Dr. Smith and in large part due to their persistence and devotion to children, on September 2, 2004, the Food and Drug Administration approved the Vertical Expandable Prosthetic Titanium Rib;

Whereas the FDA found that the device was safe and of benefit in enabling unassisted breathing and less dependence on ventilators, and that without treatment, children with the syndrome risk death from respiratory infections or inability to breathe;

Whereas, since the FDA approval, the Vertical Expandable Prosthetic Titanium Rib for children with conditions such as Thoracic Insufficiency Syndrome, Jeune syndrome, and other medical problems that constrict the growth of children's lungs has saved the lives of hundreds of children with no other hope for survival;

Whereas the National Organization for Rare Disorders (NORD) and the Office of Orphan Products Development at the FDA made critical investments in Dr. Campbell's technology;

Whereas Dr. Campbell has served as an advocate for children with rare medical conditions across the Nation by providing many hours of volunteer service to the National Organization for Rare Disorders (NORD) as a member of its Medical Advisory Committee; and

Whereas Dr. Campbell has also served as an advocate for children through actions such as his March 27, 2007, testimony before the United States Senate Committee on Health, Education, Labor, and Pensions entitled ''Ensuring Safe Medicines and Medical Devices for Children'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Dr. Robert Campbell for his lifelong devotion to children's health care;

(2) congratulates Dr. Robert Campbell and his colleagues on their extraordinary achievement in pediatric and orthopedic innovation; and

(3) recognizes the Vertical Expandable Prosthetic Titanium Rib device which has saved the lives of so many infants and children, while giving hope to their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

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

Madam Speaker, House Resolution 1499 honors the achievements of Dr. Robert M. Campbell, Jr. to provide children with lifesaving medical care. I want to thank the sponsor of the bill, Congresswoman DEBBIE WASSERMAN SCHULTZ from Florida, for sponsoring this bill, and also her tireless efforts to get cosponsors and what's necessary to bring this bill to the floor on an expedited basis today.

I will leave it to the Congresswoman to talk more about Dr. Robert M. Campbell, but let me just say that he is a pediatric orthopedic surgeon, affiliated for many years with the University of Texas, and also now director of the Thoracic Insufficiency Center at the Children's Hospital in Philadelphia.

In collaboration with other specialists, he helped identify thoracic insufficiency syndrome, which is associated with a rare condition of congenital scoliosis, fused ribs, small chests, and missing ribs. After 14 years of advocacy, the Food and Drug Administration approved the vertical expandable prosthetic titanium rib in 2004 through Dr. Campbell's efforts, so I want to applaud his work.

I urge my colleagues to join me in supporting this resolution, and I reserve the balance of my time.

□ 1300

Mr. GINGREY of Georgia. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this resolution, House Resolution 1499, honoring the achievements of Dr. Robert Campbell, Jr. and the work that he did in regard to not only this particular device that Mr. PALLONE just described but in regard to a lot of other pediatric medical equipment.

I guess today is my day for reflection, Mr. Speaker, because, as a practicing physician for 31 years before being elected as a Member of the House, I distinctly recall having a patient who actually died of this Thoracic Insufficiency Syndrome, which Mr. PALLONE was discussing in regard to how Dr. Campbell invented this device, this vertical expandable prosthetic rib. I don't know when that invention occurred. Well, I do know. It was in 1987. So, Mr. Speaker, the story of my patient was before that.

My patient was someone who was born with spina bifida, someone who never had usage of her lower body, her limbs. She was what I guess you would refer to as a paraplegic. She did live into adulthood. When she was my patient, she was in her midthirties, and she was beautiful. Her name was Fran. Out of respect for the family, I won't say her last name, but Fran was beautiful. She looked like a child even though she was in her midthirties, but her chest—her thorax—as was just described with Dr. Campbell's patient, had not grown or fully developed, and it was difficult for her to breathe. When Fran actually died, I am sad to say, maybe a couple of years after she became my patient, that is what she died from.

Maybe if she, as a child, had had the opportunity to take advantage of Dr. Campbell's knowledge and expertise and contributions to medicine, particularly in the field of pediatrics and pediatric birth defects, maybe Fran would be alive today. That would be great, because she was a wonderful person.

So I am very supportive of this resolution honoring Dr. Robert Campbell, Jr.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). If I could say, not only on this bill but on so many bills related to health care, she has really been out front and has taken a leadership role. I want to commend her for that.

Ms. WASSERMAN SCHULTZ. Thank you, Chairman PALLONE, for your consideration.

Thank you to the Energy and Commerce Committee—Mr. WAXMAN and Mr. GINGREY—for granting us this time to honor Dr. Robert M. Campbell. Thank you to all of the Members. In the last few days, we have added more than 100 cosponsors to this legislation now, which is really remarkable in only a few days. I had a chance to talk to so many of our colleagues about Dr. Campbell's story, and they wanted to join us in honoring him.

Mr. Speaker, Dr. Robert M. Campbell has dedicated his life to providing children with life-saving medical care. I first learned about Dr. Campbell's work when a little boy in my district named Devin Alfonso was given a terminal diagnosis of severe scoliosis. His spine and ribs were so severely bent that there was no room for his lungs and heart to grow.

For some time, the technology had existed to help adult patients with serious skeletal conditions. However, as Devin's family had to learn the hard way, the life-saving medical devices used in adult care are not fit for the small bodies of children. So often, these medical devices are simply far too big for children who are suffering from either scoliosis, Thoracic Insufficiency Syndrome, or similar conditions. Even if miniature versions of these devices were created, a growing child's body would mean that the device would quickly become too small and would require more invasive surgery.

For years, physicians trying to treat children like Devin were forced to use less effective treatments, more invasive therapies or jury-rigged makeshift equipment as their only options in providing this vital care. Far too often, these doctors are left with no effective treatment at all, meaning that a diagnosis like Devin's was simply a death sentence.

Dr. Campbell refused to accept these outcomes. He devoted his career to working with children like Devin who

were suffering from congenital scoliosis, fused ribs, small chests, and missing ribs. He made it his mission to change their fates. In such a dire environment, the work of this dedicated physician, Dr. Robert Campbell, has made all the difference. He has waged a decades-long campaign to provide a solution for these children that gives them a fighting chance.

During the 1980s, while at the University of Texas Health Science Center at San Antonio, Dr. Campbell teamed up with the late Dr. Melvin Smith on developing a medical device suitable for children. In 1987, Dr. Campbell, along with Dr. Smith, made a major breakthrough with the invention of the Vertical Expandable Prosthetic Titanium Rib. This device proved to be easy to implant, and importantly, it could be expanded with minor outpatient surgery as the child grows.

Unfortunately, as these rare rib and spine disorders occur so infrequently in the population, Dr. Campbell was just starting his journey on getting this life-saving device to the children who needed it. Completing the necessary trials for Food and Drug Administration approval proved to be a tremendous challenge. The process stretched out for well over a decade, but Dr. Campbell kept at it, working to develop and complete the needed trials.

In this effort, he received invaluable help from the National Organization for Rare Disorders, or NORD. This organization of medical professionals helps bring attention to the 6,800 known rare diseases that currently have no approved therapies. Through funding and support from NORD, Dr. Campbell was able to continue his work.

Dr. Campbell persevered and he ultimately prevailed. After many years of advocacy, due in large part to his devotion to children, he won approval from the FDA for the Vertical Expandable Prosthetic Titanium Rib on September 2, 2004.

Thanks to Dr. Campbell's work, Devin Alfonso was able to enroll in a clinical trial to receive the medical device that saved his life. Hundreds of other children suffering from spinal and skeletal abnormalities have also survived and have even thrived thanks to this enthusiastic doctor and his noteworthy invention.

From his identification of Thoracic Insufficiency Syndrome to his persistence in bringing his life-saving device to fruition, Dr. Campbell has been a stalwart for children's health. He is an inspiration to everyone who has worked with him and, most certainly, to the children and families he has helped.

I know the impact he has had on Devin and on his mom, Rixys Alfonso. I know, over the past decade, I have gotten to share in the joy as Devin has grown into a wonderful young man.

So please join me in celebrating Dr. Campbell's achievements and in honoring his unwavering devotion to saving the lives of so many children.

Mr. GINGREY of Georgia. Mr. Speaker, I ask my colleagues to support House Resolution 1499, the resolution honoring Dr. Robert Campbell, Jr.

I have no further requests for time, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge adoption of the resolution.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1499, as amended.

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

A motion to reconsider was laid on the table.

TRUTH IN FUR LABELING ACT OF 2009

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2480) to improve the accuracy of fur product labeling, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2480

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 ''Truth in Fur Labeling Act of 2009''.

SEC. 2. ELIMINATION OF EXEMPTION TO FUR PRODUCT LABELING REQUIREMENTS FOR PRODUCTS CONTAINING RELATIVELY SMALL QUANTITIES OR VALUES OF FUR.

(a) IN GENERAL.—Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by striking ''; except that'' and all that follows through ''contained therein''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 3. EXEMPTION FOR DISCRETE SALES BY NON-RETAILERS.

Section 3 of the Fur Products Labeling Act (15 U.S.C. 69a) is amended by adding at the end the following:

''(g) No provision of this Act shall apply to a fur product—

''(1) the fur of which was obtained from an animal through trapping or hunting; and

''(2) when sold in a face to face transaction at a place such as a residence, craft fair, or other location used on a temporary or short term basis, by the person who trapped or hunted the animal, where the revenue from the sale of apparel or fur products is not the primary source of income of such person.''.

SEC. 4. FEDERAL TRADE COMMISSION REVIEW OF FUR PRODUCTS NAME GUIDE.

Not later than 90 days after the date of the enactment of this Act, the Federal Trade Commission shall publish in the Federal Register notice of, and an opportunity to comment on, a review of the Fur Products Name Guide (16 CFR 301.0).

SEC. 5. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material in the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 2480, the Truth in Fur Labeling Act.

I want to begin by thanking Representative MORAN from Virginia for introducing this bill and Representatives RUSH, WAXMAN, WHITFIELD, and BARTON for moving this bill through the committee process.

H.R. 2480 is a commonsense, bipartisan bill that, with one exception, requires all articles of apparel containing fur to be labeled regardless of the cost of the garment. This legislation will make clear to consumers and retailers exactly which products contain fur and which do not.

During committee consideration, one exception was added to these requirements. An amendment by Mr. LATTA was accepted by voice vote to exempt from the labeling requirements those fur products that are sold by hunters and trappers out of their homes or at fairs or at other temporary spaces. This exemption is extremely limited. It applies only to fur sold by the individual who actually hunted or trapped the animal when the sale of such furs is not the primary source of income for that individual. The bill also directs the Federal Trade Commission to update the Fur Products Name Guide, which has been criticized as inaccurate and outdated.

As indicated, this bill enjoys very broad support from Members on both sides of the aisle. I urge my colleagues to support it.

I reserve the balance of my time.

□ 1310

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

I also would like to thank Congressman MORAN for being a real leader on this legislation, and I certainly want to thank Chairman RUSH and Chairman WAXMAN and others on the Energy and Commerce Committee.

This legislation, as Mr. SARBANES adequately described, is relatively simple. It simply amends the Fur Products

Labeling Act of 1951. That act required accuracy in the labeling of fur products and apparel, but it did not apply to any apparel sold for less than $150.

A series of recent investigations revealed that a significant number of clothes designers and retailers were selling some fur-trimmed garments described as faux or raccoon or coyote or mink or whatever, when actually it turned out to be dog fur or something else. As a matter of fact, of 38 jackets subjected to very specific tests, every single garment of those 38 was either unlabeled or it contained a label that misidentified the animal's fur that was used in that garment. And so this legislation is about transparency, providing consumers with accurate information on what they're buying.

Eighty-seven percent of garments sold in the U.S. today with fur already are required to abide by this. This will simply require the other 13 percent, those valued below $150, to abide by the same law. And consumer protection organizations, retail, and even the fashion industry all support this legislation. And I would urge our colleagues to support it as well.

I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I want to, again, salute my colleagues for making this a bipartisan effort. I think there's a consensus of opinion that the more information that's available to the consumer, to the retailer, the better off we all are. I mean, in many respects that's the essence of a consumer protection initiative is to make sure that people who are purchasing these products actually have good information, truth in labeling at their fingertips.

I did want to salute the efforts of the Humane Society of the United States because they have been very responsible and persistent advocates on these issues over many, many, many years. As a result of those efforts, Americans have been learning more and more about some of the unsavory practices—it was just referred to by my colleague—when it comes to the sale of these fur products and how they're manufactured and what the source of the fur is. And, as a result, consumers want to know more, rightly. They justifiably want to understand more about where those products come from and be in a position to support the many businesses who are actually doing the right thing and are engaged in good, positive, best practices when it comes to marketing these products that contain fur.

And so I think that this bill that's been brought forward by my colleague, Mr. MORAN, the Truth in Fur Labeling Act, is going to help to advance that goal. And again, I'm very pleased that it has the bipartisan support that was indicated.

I did want to cite some of the information that was gleaned through a few investigations that were initiated by The Humane Society. They discovered that there were dozens of designers and retailers—Mr. WHITFIELD has referred to this—that were selling some of these fur-trimmed jackets as faux or raccoon or coyote, or they weren't labeled at all. And you could find these in many of the retailers whose names you know. And they looked at 38 jackets. They subjected them to the spectrometry test which allows you to look and see exactly what the source of it is.

Many of them, as I say, that were identified as faux, of the 38 jackets that were looked at, every single garment was either unlabeled, contained a label that misidentified the animal, or was falsely advertised with this faux label. Three of the jackets advertised as fake fur, two of which had no label, were found to contain fur from domestic dogs. Now, this goes in contravention of legislation that's already on the books. But if you don't have that labeling imperative at work, then this kind of thing can slide through.

Designers, retailers, and consumers, as a result of this, get put in a position where they can't have confidence that what they're getting—whether it's faux fur or real, and if real, from what animal—is something that they can count on, especially, I might add, when it is a source from China, based on some of the investigations that have been done. So that's why this legislation is so critical.

As a result of the very broad support it has, and based on its merits and the substance of it, I would urge my colleagues to support its passage today.

Mr. Speaker, I am pleased to yield such time as she may consume to Representative SUTTON from Ohio, who is a member of the Energy and Commerce Committee and sits on the subcommittee that had jurisdiction with respect to this particular piece of legislation.

Ms. SUTTON. Mr. Speaker, I rise today in support of H.R. 2480, the Truth in Fur Labeling Act.

Mr. Speaker, consumers should be able to make informed decisions on what they're purchasing. When fur is not labeled because the value is below a certain level, a consumer may believe that no fur is used, even when it is. This bill will fix that problem by requiring that all fur apparel have labels, regardless of the value.

It's alarming when investigations reveal that dog fur and other animal furs are being sold to consumers who thought that they had merely purchased fake fur. Labels on all fur products will allow consumers to know what they are buying for themselves and their families, and it will help us disclose the truth about the type of fur that is being used on garments.

I urge a ''yes'' vote on this bill.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the Truth in Fur Labeling Act, legislation I introduced along with Representative MARY BONO MACK.

The Fur Products Labeling Act of 1951 requires that animal fur garments be labeled with the name of the species used, manufacturer, country of origin, and other information.

That law protects consumers by providing product information and letting them know whether the product is made from real animal fur, and if so, what type of fur.

A provision in that labeling law, however, exempts products with a ''relatively small quantity or value'' of fur.

Since 1998, the Federal Trade Commission has set that amount at $150.

Many garments—such as jackets, sweaters, vests, and accessories—that are only trimmed with animal fur fall below this $150 threshold.

And because that threshold includes only the cost of the fur, not the total cost of the garment, even products containing several pelts could fall below the limit.

Products without labels, which are estimated to account for 13 percent of the fur garment market, pose a significant problem for consumers.

Some consumers may be allergic to certain fur products. Absent a label, they may buy a product that they assume is faux fur, but turns out to contain real fur that can impact their health.

Also, many consumers have strong moral objections to purchasing real fur products or have concerns about the use of certain species.

Without labels, how are customers supposed to know what they are buying?

At its core, this is a consumers' rights bill.

And consumers have a right to be skeptical about the accuracy of the information they receive when buying products at retail outlets.

A series of recent investigations by The Humane Society of the United States revealed that dozens of designers and retailers were selling fur-trimmed jackets advertised as ''faux,'' ''raccoon,'' ''coyote,'' or not labeled at all, which turned out to be raccoon dog, domestic dog, or wolf.

The problem is complicated by the increasing use of dyeing and shearing on fur products.

If customers see pink, orange, blue, or sheared trim, they often assume it is synthetic because it is not labeled and does not resemble an animal's fur.

Quite simply, the current labeling law has not kept up with changes in the marketplace.

The only way to ensure consumers have all the information they deserve is by removing the $150 loophole and requiring labels on all fur products.

This bill has the support of designers and retailers such as Gucci, Burberry, Saks Fifth Avenue, Bloomingdale's, Macy's, and Tommy Hilfiger.

These companies recognize the need for clear and consistent standards as a way to ensure consumer confidence in the products they sell.

It is also supported by National Association of Consumer Agency Administrators (NACAA), an organization representing more than 160 government agencies and 50 corporate consumer offices.

This bill has been vetted thoroughly and modified at both the Subcommittee and Committee level to address valid concerns raised by the Members of the Minority, including the addition of language excluding from the labeling requirements small amounts of homemade products made by hunters and trappers.

Finally, it is important to note that this bill would in no way restrict any trade in fur or any methods of producing fur.

Again, this is about giving all consumers, whether they have a closet full of fur garments or wouldn't be caught dead in one, the complete information they need to make enlightened purchasing decisions.

This is a commonsense bill that deserves broad support, and I ask my colleagues to vote for its passage.

Mr. BLUMENAUER. Mr. Speaker, I am proud to support H.R. 2480, the Truth in Fur Labeling Act. This legislation is an important step for consumers and animals. It is also basic common sense. It removes a loophole that has kept consumers from knowing what they're buying and enforces a law that Congress passed ten years ago.

We all deserve to know what we're buying. However, the current fur labeling exemption is unclear and out of date, leaving consumers in the dark. Consumers often end up buying real fur that they are told is fake or domestic dog fur mislabeled as raccoon fur. If a product has less than $150 worth of fur on it, it doesn't even need to be labeled at all. That means that a $500 coat with $150 worth of fur on the collar and cuffs does not require a label. Based on approximate pelt prices after tanning and dressing, that coat could be made using the fur from 30 rabbits, three Arctic foxes, one otter or one timber wolf, without requiring any sort of label. That does not provide consumers with adequate protection and doesn't allow them to make informed decisions. The Truth in Fur Labeling Act will remedy the situation and give consumers the ability to make choices for themselves, rather than being kept in the dark or even deceived.

I am proud to support this legislation today, and am pleased to see the widespread support it has received from outside organizations, including such diverse groups as the Humane Society of the United States, Macy's and Saks Fifth Avenue. I hope that my colleagues will join me in protecting consumer rights and animal welfare.

Mr. SARBANES. Mr. Speaker, again, I urge the support of this bill from my colleagues, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 2480, as amended.

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

A motion to reconsider was laid on the table.

□ 1320

FAIR SENTENCING ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1789) to restore fairness to Federal cocaine sentencing.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1789

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 ''Fair Sentencing Act of 2010''.

SEC. 2. COCAINE SENTENCING DISPARITY REDUCTION.

(a) CSA.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A)(iii), by striking ''50 grams'' and inserting ''280 grams''; and

(2) in subparagraph (B)(iii), by striking ''5 grams'' and inserting ''28 grams''.

(b) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1)(C), by striking ''50 grams'' and inserting ''280 grams''; and

(2) in paragraph (2)(C), by striking ''5 grams'' and inserting ''28 grams''.

SEC. 3. ELIMINATION OF MANDATORY MINIMUM SENTENCE FOR SIMPLE POSSESSION.

Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by striking the sentence beginning ''Notwithstanding the preceding sentence,''.

SEC. 4. INCREASED PENALTIES FOR MAJOR DRUG TRAFFICKERS.

(a) INCREASED PENALTIES FOR MANUFACTURE, DISTRIBUTION, DISPENSATION, OR POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in subparagraph (A), by striking ''$4,000,000'', ''$10,000,000'', ''$8,000,000'', and ''$20,000,000'' and inserting ''$10,000,000'', ''$50,000,000'', ''$20,000,000'', and ''$75,000,000'', respectively; and

(2) in subparagraph (B), by striking ''$2,000,000'', ''$5,000,000'', ''$4,000,000'', and ''$10,000,000'' and inserting ''$5,000,000'', ''$25,000,000'', ''$8,000,000'', and ''$50,000,000'', respectively.

(b) INCREASED PENALTIES FOR IMPORTATION AND EXPORTATION.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), by striking ''$4,000,000'', ''$10,000,000'', ''$8,000,000'', and ''$20,000,000'' and inserting ''$10,000,000'', ''$50,000,000'', ''$20,000,000'', and ''$75,000,000'', respectively; and

(2) in paragraph (2), by striking ''$2,000,000'', ''$5,000,000'', ''$4,000,000'', and ''$10,000,000'' and inserting ''$5,000,000'', ''$25,000,000'', ''$8,000,000'', and ''$50,000,000'', respectively.

SEC. 5. ENHANCEMENTS FOR ACTS OF VIOLENCE DURING THE COURSE OF A DRUG TRAFFICKING OFFENSE.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to ensure that the guidelines provide an additional penalty increase of at least 2 offense levels if the defendant used violence, made a credible threat to use violence, or directed the use of violence during a drug trafficking offense.

SEC. 6. INCREASED EMPHASIS ON DEFENDANT'S ROLE AND CERTAIN AGGRAVATING FACTORS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to ensure an additional increase of at least 2 offense levels if—

(1) the defendant bribed, or attempted to bribe, a Federal, State, or local law enforcement official in connection with a drug trafficking offense;

(2) the defendant maintained an establishment for the manufacture or distribution of a controlled substance, as generally described in section 416 of the Controlled Substances Act (21 U.S.C. 856); or

(3)(A) the defendant is an organizer, leader, manager, or supervisor of drug trafficking activity subject to an aggravating role enhancement under the guidelines; and

(B) the offense involved 1 or more of the following super-aggravating factors:

(i) The defendant—

(I) used another person to purchase, sell, transport, or store controlled substances;

(II) used impulse, fear, friendship, affection, or some combination thereof to involve such person in the offense; and

(III) such person had a minimum knowledge of the illegal enterprise and was to receive little or no compensation from the illegal transaction.

(ii) The defendant—

(I) knowingly distributed a controlled substance to a person under the age of 18 years, a person over the age of 64 years, or a pregnant individual;

(II) knowingly involved a person under the age of 18 years, a person over the age of 64 years, or a pregnant individual in drug trafficking;

(III) knowingly distributed a controlled substance to an individual who was unusually vulnerable due to physical or mental condition, or who was particularly susceptible to criminal conduct; or

(IV) knowingly involved an individual who was unusually vulnerable due to physical or mental condition, or who was particularly susceptible to criminal conduct, in the offense.

(iii) The defendant was involved in the importation into the United States of a controlled substance.

(iv) The defendant engaged in witness intimidation, tampered with or destroyed evidence, or otherwise obstructed justice in connection with the investigation or prosecution of the offense.

(v) The defendant committed the drug trafficking offense as part of a pattern of criminal conduct engaged in as a livelihood.

SEC. 7. INCREASED EMPHASIS ON DEFENDANT'S ROLE AND CERTAIN MITIGATING FACTORS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure that—

(1) if the defendant is subject to a minimal role adjustment under the guidelines, the base offense level for the defendant based solely on drug quantity shall not exceed level 32; and

(2) there is an additional reduction of 2 offense levels if the defendant—

(A) otherwise qualifies for a minimal role adjustment under the guidelines and had a minimum knowledge of the illegal enterprise;

(B) was to receive no monetary compensation from the illegal transaction; and

(C) was motivated by an intimate or familial relationship or by threats or fear when the defendant was otherwise unlikely to commit such an offense.

SEC. 8. EMERGENCY AUTHORITY FOR UNITED STATES SENTENCING COMMISSION.

The United States Sentencing Commission shall—

(1) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 90 days after the date of enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(2) pursuant to the emergency authority provided under paragraph (1), make such conforming amendments to the Federal sentencing guidelines as the Commission determines necessary to achieve consistency with

other guideline provisions and applicable law.

SEC. 9. REPORT ON EFFECTIVENESS OF DRUG COURTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report analyzing the effectiveness of drug court programs receiving funds under the drug court grant program under part EE of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797–u et seq.).

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) assess the efforts of the Department of Justice to collect data on the performance of federally funded drug courts;

(2) address the effect of drug courts on recidivism and substance abuse rates;

(3) address any cost benefits resulting from the use of drug courts as alternatives to incarceration;

(4) assess the response of the Department of Justice to previous recommendations made by the Comptroller General regarding drug court programs; and

(5) make recommendations concerning the performance, impact, and cost-effectiveness of federally funded drug court programs.

SEC. 10. UNITED STATES SENTENCING COMMISSION REPORT ON IMPACT OF CHANGES TO FEDERAL COCAINE SENTENCING LAW.

Not later than 5 years after the date of enactment of this Act, the United States Sentencing Commission, pursuant to the authority under sections 994 and 995 of title 28, United States Code, and the responsibility of the United States Sentencing Commission to advise Congress on sentencing policy under section 995(a)(20) of title 28, United States Code, shall study and submit to Congress a report regarding the impact of the changes in Federal sentencing law under this Act and the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, S. 1789, the Fair Sentencing Act of 2010, is a bipartisan compromise that was negotiated and drafted by Democratic and Republican members of the Senate Judiciary Committee. It then passed the Senate Judiciary Committee and the Senate by unanimous consent.

The legislation will reduce the 100-to-1 sentencing disparity between crack and powder cocaine in Federal law from 100-to-1 down to 18-to-1. The crack penalties, under present law, for example, it only takes five grams of crack to trigger a 5-year mandatory minimum sentence, but for powder cocaine it takes 500 grams to trigger the same 5-year mandatory sentence, a 100-to-1 ratio.

This disparity is particularly egregious when you consider that the Sentencing Commission has concluded that there is no pharmacological difference between the two forms of cocaine, and that 80 percent of the crack defendants are black, whereas only 30 percent of the powder cocaine defendants are black.

The crack penalties also create bizarre sentences when you consider sentences such as the 24½-year sentence given to Kimba Smith for behavior that was just inferentially involved with her boyfriend's cocaine dealing.

The legislation moves the threshold amount for the 5-year mandatory minimum from five grams to one ounce, reducing the disparity from 100-to-1 to 18-to-1. The legislation does not fully eliminate the 100-to-1 disparity in sentencing for crack and powder, but it does make good progress in addressing what is widely recognized as unfair treatment of like offenders based simply on the form of cocaine they possessed.

The bill also addresses another concern. Arguments are made that crack defendants are more likely to use violence or minors in the distribution, and this bill specifically requires the Sentencing Commission to significantly increase penalties for drug violations involving violence, threats of violence, or use of minors, and another long list of aggravating activities that would be involved. This way the defendant is sentenced for what he or she actually did, not the form of cocaine involved.

Many organizations are supporting S. 1789, including the Federal Law Enforcement Officers Association, the National District Attorneys Association, the National Association of Police Officers, the Council of Prison Locals, and several conservative religious organizations such as Prison Fellowship and the National Association of Evangelicals. And all of the civil rights organizations that one can imagine are also supporting the legislation.

I would like to thank the sponsors of the Senate bill, Senators DURBIN of Illinois and SESSIONS of Alabama, and ORRIN HATCH of Utah, who came together to pass this important bipartisan legislation.

There are many Members of the House who have worked tirelessly over the years to reform this disparity, including chairman of the Judiciary Committee, Mr. CONYERS; SHEILA JACKSON LEE; MAXINE WATERS; CHARLIE RANGEL; and MEL WATT.

On behalf of the organizations and Members of Congress who support S. 1789, I urge my colleagues to support the legislation.

I reserve the balance of my time.

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

Mr. Speaker, those who fail to learn the lessons of history often pay a price. Unfortunately, the real cost usually falls on others. In the 1980s, America faced an epidemic created by a new, more potent form of cocaine known as crack. Its abuse spread through major cities and across the country at a stunning speed. Along with crack came guns and violence, which riddled many urban communities.

These communities cried out for help, and in 1986 Congress responded. We enacted tough penalties to protect these neighborhoods and bring an end to the scourge of crack cocaine. The penalties helped make America's communities safer.

Now Congress is considering legislation to wind down the fight against drug addiction and drug-related violence. Reducing the penalties for crack cocaine could expose our neighborhoods to the same violence and addiction that caused Congress to act in the first place.

Twenty-five years ago, crack was cheap, easily available, and highly profitable. According to the Drug Enforcement Agency, never before had any form of cocaine been available at such low prices and at such high purity. As a result, the number of Americans addicted to cocaine increased dramatically. Crack cocaine devastated many communities, especially inner-city communities. Black Americans who lived in these communities bore the brunt of the violence associated with the drug trade.

Today, crime rates, particularly for violent crimes, are at their lowest levels in more than 30 years, thanks in large part to the enactment of tough penalties for drug trafficking and other offenses. Crack and powder cocaine use has dropped by almost two-thirds in the past 20 years, from 5.8 million users in 1985 to 2.1 million users in 2007. According to the Bureau of Justice Statistics, crime victimization rates for black Americans have fallen by more than two-thirds since enactment of these tough Federal trafficking penalties. What's wrong with that? Why do we want to risk another surge of addiction and violence by reducing penalties?

Many argue that Federal prisons are filled with addicts convicted of simple possession of cocaine, but that's not true. The vast majority of Federal drug offenders are convicted for drug trafficking. In fiscal year 2009, the U.S. Sentencing Commission reports that there were 25,000 Federal drug trafficking convictions compared to fewer than 300 convictions for simple possession. So why do we want to make it more difficult to take drug traffickers off the streets and easier for them to peddle their lethal product?

Crack cocaine is associated with a greater degree of violence than most other drugs. Crack offenders are also more likely to have prior convictions and lengthier criminal histories than powder cocaine offenders. It is these aggravating factors, which are more common to crack cocaine trafficking, that contribute to higher Federal

crack sentences. These aggravating factors also render many Federal crack offenders ineligible for the so-called ''safety valve provision.'' The safety valve allows low-level offenders to be sentenced below the statutory mandatory penalties if they meet certain criteria, including no significant criminal history.

So why should we reduce the ratio for defendants who are more violent, more likely to have criminal records, and less likely to benefit from the safety valve provision that already provides a mechanism for reduced penalties? Why are we coddling some of the most dangerous drug traffickers in America?

Proponents of reducing or eliminating the crack/powder ratio argue that crack penalties impact a larger number of minorities than powder cocaine penalties. But the percentage of minority defendants for Federal crack and powder cocaine offenses is quite similar. Eighty-two percent of crack offenders and 90 percent of powder cocaine offenders are minorities, though black Americans comprise the majority of Federal crack cocaine offenders.

Crack and powder cocaine offenders are even sentenced with mandatory penalties at similar rates. In 2009, 80 percent of crack cocaine offenders and 77 percent of powder cocaine offenders were convicted under a mandatory penalty statute. The bill before us today, S. 1789, lowers the ratio for Federal crack cocaine offenses from 100-to-1 to 18-to-1. The bill also eliminates the mandatory penalties for crack cocaine possession, making it only a misdemeanor under Federal law. Why enact legislation that could endanger our children and bring violence back to our inner-city communities?

S. 1789 includes a requirement that the U.S. Sentencing Commission review and amend the applicable guidelines for crack offenses involving violence. However, since Federal judges are not required to adhere to the guidelines, there is no guarantee that any increased penalty will be imposed under this provision.

Last year, the House Judiciary Committee reported legislation, over Republican opposition, that would have eliminated entirely the ratio between crack and powder cocaine. Before that, the Obama administration relaxed enforcement of marijuana laws.

Mr. Speaker, the Democratic Party teeters on the edge of becoming the face of deficits, drugs, and job destruction. I cannot support legislation that might enable the violent and devastating crack cocaine epidemic of the past to become a clear and present danger.

□ 1330

Mr. Speaker, for these reasons, I urge my colleagues to oppose this legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the majority whip, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I want to first thank my good friend, subcommittee Chairman BOBBY SCOTT, for yielding me this time and for his leadership on this very important issue. He and committee Chairman CONYERS have worked for years to eliminate the unjust and discriminatory disparities between crack cocaine and powder cocaine.

Although I'm disappointed that this measure does not entirely eliminate the disparity, I want to commend Senators DURBIN, SESSIONS, and COBURN for crafting a very significant compromise. The Fair Sentencing Act of 2009 will significantly reduce the disparity in sentencing for crack and powder cocaine and help to correct an enormous disparity in our criminal justice system.

When the current law was passed, Congress felt that crack cocaine was a plague that was destroying minority communities. Twenty years of experience has taught us that many of our initial beliefs were wrong. We now know that there's little or no pharmacological distinction between crack cocaine and powder cocaine, yet the punishment for these offenses remains radically different.

Down where I come from, Mr. Speaker, we say that when one learns better, one should do better.

Equally troubling is the enormous growth in the prison population, especially among minority youth. The current drug sentencing policy is the single greatest cause of the record levels of incarceration in our country. One in every 31 Americans is in prison or on parole or on probation, including one in 11 African Americans. This is unjust and runs contrary to our fundamental principles of equal protection under the law.

Since 1995, the United States Sentencing Commission has issued report after report calling on Congress to address this unfair disparity. According to the Sentencing Commission, restoring sentencing parity will do more than any other policy change to close the gap in incarceration rates between African Americans and white Americans.

The American drug epidemic is a serious problem, and we must address that problem. But our drug laws must be smart, fair, and rational. The legislation to be considered today takes a significant step towards striking that balance.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a former chairman of the Judiciary Committee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this legislation. It is a fair compromise. It deals with conflicting issues, and it looked at the data on who was indicted and who has been sentenced both by race as well as by the amount of cocaine that they possessed.

Unlike some allegations, this bill does not let those who possess crack cocaine off easily. The sentencing disparity is 18-to-1. That means that someone who possesses crack cocaine only has to have one-eighteenth of the amount of someone who possesses powder cocaine. So I don't think that people who either deal in crack cocaine or who possess crack cocaine are getting off the hook by reducing the ratio from 100-to-1 to 18-to-1.

The Sentencing Commission has been set up by this Congress to look at sentencing patterns and look at sentencing statistics. For the last 15 years, they have called for a change in the disparity and the minimum sentences between those who are indicted for violating the crack cocaine laws versus those who are indicted for violating the powder cocaine laws.

This is a very fair compromise. I salute the three members of the other body who worked the compromise out. It is a compromise that should be endorsed by this body and sent to the President. I urge an ''aye'' vote.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlelady from Texas who has sponsored one of the many bills on this issue and has worked hard to eliminate the disparity altogether, Ms. JACKSON LEE.

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. I want to thank the gentleman from Virginia for being a champion of this issue of eliminating the disparities that have so long plagued so many communities. I thank the chairman, JOHN CONYERS, for being persistent over the years on the criminal justice issues—even coming to Houston, Texas, and listening to a teeming room of individuals who came to tell him how they had been discriminated against by this overwhelming inequitable law dealing with crack cocaine. Thank you.

Today we're doing something that is not going to be soft on crime. But let me see if you understand this.

It takes 500 grams of powder cocaine to trigger the 5-year mandatory minimum. It just takes 5 grams of crack cocaine. Similarly it takes 5 kilograms of powder cocaine to trigger the 10-year mandatory minimum but 50 grams of crack cocaine.

And so it is important that this 1-to-18 be put in place in response to the 1980s when we thought this devastating act of using drugs was the underpinnings of crime. But what we have seen and what the U.S. Sentencing Commission has seen is that we're creating crime by throwing these individuals in jail instead of rehabilitation and by keeping this oppressive sentencing structure.

So for the first time, we're eliminating the 5-year mandatory minimum prison term for first-time possession of crack cocaine and it encourages the U.S. Sentencing Commission to amend the sentencing guidelines.

In addition, however, there's more to go. Passing the Promise Bill to detour young people away from crime. H.R. 265, the bill I introduced, which was the underpinnings of the S. 1789, had a number of other provisions that would be dealing with rehabilitation and drug courts.

So there's more work to be done, Mr. Speaker. But I believe this is a first step and all good-thinking Americans who understand justice will appreciate the fact that we are eliminating these disparities. And in particular, I will say to you that this fell heavily on the poor African American and Hispanic communities.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield the gentlelady an additional minute.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman.

The statistics are very clear that the burden fell on a population that suffered more by not getting into rehabilitation than others. It is very clear that those numbers are strong.

So I would simply say that as we begin our work on establishing fairness, this is a first step. And I would say to the distinguished Members that we can do better on rehabilitation, drug court, intervention—which allows people to get into rehabilitation and have an obligation to finish.

And the main thing that I want to leave us with, doing this will help us detour any number of individuals to be able to support their family and maybe be real role models for children who we likewise want to detour away from crime by having an innovative juvenile justice system by passing this bill and going on to have criminal justice reform as we pass the Promise Act as well.

I rise in support of S. 1789, a bill that seeks to amend the Controlled Substances Act and the Controlled Substances Import and Export Act in order to lessen the disparity between penalties for crack cocaine and powder cocaine that permeates the Sentencing Guidelines. I also want to thank Senator RICHARD DURBIN (IL), for introducing this important legislation and being a leader on this issue.

This act requires Congress to change existing legislation in order to increase the amount of a controlled substance or mixture containing a cocaine base (i.e., crack cocaine) required for the imposition of mandatory minimum prison terms for trafficking. This bill also calls for an increase of monetary penalties for drug trafficking and for the importation and exportation of controlled substances.

Last year I introduced a bill called the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2009, H.R. 265, in which I proposed many of the reforms proposed in S. 1789. In H.R. 265, I proposed 1 to 1 for crack and cocaine and added a long list of drug treatment measures. It is widely known that it takes 100 times more powder cocaine than crack cocaine to trigger the 5- and 10-year mandatory minimum sentences. While it takes 500 grams of powder cocaine to trigger the 5-year mandatory minimum sentence, it takes just 5 grams of crack cocaine to trigger that sentence. Similarly, while it takes 5 kilograms of powder cocaine to trigger the 10-year mandatory minimum sentence, 50 grams of crack cocaine will trigger the same sentence.

This disparity made no sense when it was initially enacted, and makes absolutely no sense today, because cocaine base commonly known as 'crack cocaine,' is made by dissolving cocaine hydrochloride, which is commonly known as 'powder cocaine,' in a solution of sodium bicarbonate (or a similar agent) and water. Therefore, crack and powder cocaine are simply different forms of the same substance and all crack cocaine originates as powder cocaine.

Both forms of cocaine cause identical physical effects, although crack is smoked, while powder cocaine is typically snorted or injected. Epidemiological data show that smoking a drug delivers it to the brain more rapidly, which increases the likelihood of addiction. Therefore, differences in the typical method of administration of the two forms of the drug, and not differences in the inherent properties of the two forms of the drug, make crack cocaine potentially more addictive to typical users than powder cocaine. Both forms of the drug are addictive, however, and the treatment protocol for the drug is the same regardless of the form of the drug the patient has used.

Although Congress in the mid-1980s was understandably concerned that the low-cost and potency of crack cocaine would fuel an epidemic of use by minors, the epidemic of crack cocaine use by young people never materialized to the extent feared. In fact, in 2005, the rate of powder cocaine use among young adults was almost 7 times as high as the rate of crack cocaine use. Furthermore, sentencing data suggest that young people do not play a major role in crack cocaine trafficking at the Federal level.

The current 100 to 1 penalty structure undermines various congressional objectives set forth in the Anti-Drug Abuse Act of 1986. Data collected by the U.S. Sentencing Commission show that Federal resources have been targeted at offenders who are subject to the mandatory minimum sentences, which sweep in low-level crack cocaine users and dealers.

It is time for us to realize that the only real difference between these two substances is that a disproportionate number of the races flock to one or the other. It follows that more whites use cocaine, and more African Americans use crack cocaine. The unwarranted sentencing disparity not only overstates the relative harmfulness of the two forms of the drug and diverts federal resources from high-level drug traffickers, but it also disproportionately affects the African-American community. According to the U.S. Sentencing Commission's May 2007 Report, 82 percent of Federal crack cocaine offenders sentenced in 2006 were African-American, while 8 percent were Hispanic and 8 percent were white.

Like H.R. 265, my bill, S. 1789 will eliminate the five-year mandatory minimum prison term for first-time possession of crack cocaine. It also encourages the U.S. Sentencing Commission to amend its sentencing guidelines to (1) increase sentences for defendants convicted of using violence during a drug trafficking offense; (2) incorporate aggravating and mitigating factors in its guidelines for drug trafficking offenses; (3) promulgate guidelines, policy statements, or amendments required by this Act as soon as practicable, but not later than 90 days after the enactment of this Act; and (4) study and report to Congress on the impact of changes in sentencing law under this Act.

For the foregoing reasons, I stand with Mr. DURBIN in support of amending the Controlled Substances Act and the Controlled Substances Import and Export Act in order to lessen the disparity between penalties for crack cocaine and powder cocaine that permeate the Sentencing Guidelines.

I urge my colleagues to support this bill.

H.R. 265

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 ''Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Cocaine base (commonly known as ''crack cocaine'') is made by dissolving cocaine hydrochloride (commonly known as ''powder cocaine'') in a solution of sodium bicarbonate (or a similar agent) and water. Therefore, crack and powder cocaine are simply different forms of the same substance and all crack cocaine originates as powder cocaine.

(2) The physiological and psychotropic effects of cocaine are similar regardless of whether it is in the form of cocaine base (crack) or cocaine hydrochloride (powder).

(3) One of the principal objectives of the Anti-Drug Abuse Act of 1986, which established different mandatory minimum penalties for different drugs, was to target Federal law enforcement and prosecutorial resources on serious and major drug traffickers.

(4) In 1986, Congress linked mandatory minimum penalties to different drug quantities, which were intended to serve as proxies for identifying offenders who were ''serious'' traffickers (managers of retail drug trafficking) and ''major'' traffickers (manufacturers or the kingpins who headed drug organizations).

(5) Although drug purity and individual tolerance vary, making it difficult to state with specificity the individual dose of each form of cocaine, 5 grams of powder cocaine generally equals 25 to 50 individual doses and 500 grams of powder cocaine generally equals 2,500 to 5,000 individual doses, while 5 grams of crack cocaine generally equals 10 to 50 individual doses (or enough for a heavy user to consume in one weekend) and 500 grams of crack cocaine generally equals 100 to 500 individual doses.

(6) In part because Congress believed that crack cocaine had unique properties that made it instantly addictive, the Anti-Drug Abuse Act of 1986 established an enormous disparity (a 100 to 1 powder-to-crack ratio) in the quantities of powder and crack cocaine that trigger 5- and 10-year mandatory minimum sentences. This disparity permeates the Sentencing Guidelines.

(7) Congress also based its decision to establish the 100 to 1 quantity ratio on the beliefs that—

(A) crack cocaine distribution and use was associated with violent crime to a much greater extent than was powder cocaine;

(B) prenatal exposure to crack cocaine was particularly devastating for children of crack users;

(C) crack cocaine use was particularly prevalent among young people; and

(D) crack cocaine's potency, low cost, and ease of distribution and use were fueling its widespread use.

(8) As a result, it takes 100 times more powder cocaine than crack cocaine to trigger the 5- and 10-year mandatory minimum sentences. While it takes 500 grams of powder cocaine to trigger the 5-year mandatory minimum sentence, it takes just 5 grams of crack cocaine to trigger that sentence. Similarly, while it takes 5 kilograms of powder cocaine to trigger the 10-year mandatory minimum sentence, 50 grams of crack cocaine will trigger the same sentence.

(9) Most of the assumptions on which the current penalty structure was based have turned out to be unfounded.

(10) Studies comparing usage of powder and crack cocaine have shown that there is little difference between the two forms of the drug and fundamentally undermine the current quantity-based sentencing disparity. More specifically, the studies have shown the following:

(A) Both forms of cocaine cause identical effects, although crack is smoked, while powder cocaine is typically snorted. Epidemiological data show that smoking a drug delivers it to the brain more rapidly, which increases likelihood of addiction. Therefore, differences in the typical method of administration of the two forms of the drug, and not differences in the inherent properties of the two forms of the drug, make crack cocaine potentially more addictive to typical users than powder cocaine. Both forms of the drug are addictive, however, and the treatment protocol for the drug is the same regardless of the form of the drug the patient has used.

(B) Violence committed by crack users is relatively rare, and overall violence has decreased for both powder and crack cocaine offenses. Almost all crack-related violence is systemic violence that occurs within the drug distribution process. Sentencing enhancements are better suited to punish associated violence, which are separate, pre-existing crimes in and of themselves.

(C) The negative effects of prenatal exposure to crack cocaine were vastly overstated. They are identical to the effects of prenatal exposure to powder cocaine and do not serve as a justification for the sentencing disparity between crack and powder.

(D) Although Congress in the mid-1980s was understandably concerned that the low-cost and potency of crack cocaine would fuel an epidemic of use by minors, the epidemic of crack cocaine use by young people never materialized to the extent feared. In fact, in 2005, the rate of powder cocaine use among young adults was almost 7 times as high as the rate of crack cocaine use. Furthermore, sentencing data suggest that young people do not play a major role in crack cocaine trafficking at the Federal level.

(E) The current 100 to 1 penalty structure undermines various congressional objectives set forth in the Anti-Drug Abuse Act of 1986. Data collected by the United States Sentencing Commission show that Federal resources have been targeted at offenders who are subject to the mandatory minimum sentences, which sweep in low-level crack cocaine users and dealers.

(11) In 1988, Congress set a mandatory minimum sentence for mere possession of crack cocaine, the only controlled substance for which there is a mandatory minimum sentence for simple possession for a first-time offender.

(12) Major drug traffickers and kingpins traffic in powder, not crack.

(13) Contrary to Congress's objective of focusing Federal resources on drug kingpins, the majority of Federal powder and crack cocaine offenders are those who perform low level functions in the supply chain.

(14) As a result of the low-level drug quantities that trigger lengthy mandatory minimum penalties for crack cocaine, the concentration of lower level Federal offenders is particularly pronounced among crack cocaine offenders, more than half of whom were street level dealers in 2005.

(15) The Departments of Justice, Treasury, and Homeland Security are the agencies with the greatest capacity to investigate, prosecute, and dismantle the highest level of drug trafficking organizations, but investigations and prosecutions of low-level offenders divert Federal personnel and resources from the prosecution of the highest-level traffickers, for which such agencies are best suited.

(16) The unwarranted sentencing disparity not only overstates the relative harmfulness of the two forms of the drug and diverts Federal resources from high-level drug traffickers, but it also disproportionately affects the African-American community. According to the United States Sentencing Commission's May 2007 Report, 82 percent of Federal crack cocaine offenders sentenced in 2006 were African-American, while 8 percent were Hispanic and 8 percent were White.

(17) Only 13 States have sentencing laws that distinguish between powder and crack cocaine.

SEC. 3. COCAINE SENTENCING DISPARITY ELIMINATION.

(a) CSA.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A)(iii), by striking ''50 grams'' and inserting ''5 kilograms''; and

(2) in subparagraph (B)(iii), by striking ''5 grams'' and inserting ''500 grams.''

(b) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1)(C), by striking ''50 grams'' and inserting ''5 kilograms''; and

(2) in paragraph (2)(C), by striking ''5 grams'' and inserting ''500 grams''.

SEC. 4. ELIMINATION OF MANDATORY MINIMUM FOR SIMPLE POSSESSION.

Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by striking the sentence beginning ''Notwithstanding the preceding sentence,''.

SEC. 5. INCREASED EMPHASIS ON CERTAIN AGGRAVATING AND MITIGATING FACTORS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines to ensure that the penalties for an offense involving trafficking of a controlled substance—

(1) provide tiered enhancements for the involvement of a dangerous weapon or violence, including, if appropriate—

(A) an enhancement for the use or brandishment of a dangerous weapon;

(B) an enhancement for the use, or threatened use, of violence; and

(C) any other enhancement the Commission considers necessary;

(2) adequately take into account the culpability of the defendant and the role of the defendant in the offense, including consideration of whether enhancements should be added, either to the existing enhancements for aggravating role or otherwise, that take into account aggravating factors associated with the offense, including—

(A) whether the defendant committed the offense as part of a pattern of criminal conduct engaged in as a livelihood;

(B) whether the defendant is an organizer or leader of drug trafficking activities involving five or more persons;

(C) whether the defendant maintained an establishment for the manufacture or distribution of the controlled substance;

(D) whether the defendant distributed a controlled substance to an individual under the age of 21 years of age or to a pregnant woman;

(E) whether the defendant involved an individual under the age of 18 years or a pregnant woman in the offense;

(F) whether the defendant manufactured or distributed the controlled substance in a location described in section 409(a) or section 419(a) of the Controlled Substances Act (21 U.S.C. 849(a) or 860(a));

(G) whether the defendant bribed, or attempted to bribe, a Federal, State, or local law enforcement officer in connection with the offense;

(H) whether the defendant was involved in importation into the United States of a controlled substance;

(I) whether bodily injury or death occurred in connection with the offense;

(J) whether the defendant committed the offense after previously being convicted of a felony controlled substances offense; and

(K) any other factor the Commission considers necessary; and

(3) adequately take into account mitigating factors associated with the offense, including—

(A) whether the defendant had minimum knowledge of the illegal enterprise;

(B) whether the defendant received little or no compensation in connection with the offense;

(C) whether the defendant acted on impulse, fear, friendship, or affection when the defendant was otherwise unlikely to commit such an offense; and

(D) whether any maximum base offense level should be established for a defendant who qualifies for a mitigating role adjustment.

SEC. 6. OFFENDER DRUG TREATMENT INCENTIVE GRANTS.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes in an amount described in subsection (c) to improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities.

(b) REQUIREMENTS FOR APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) for a fiscal year, an entity described in such subsection shall, in addition to any other requirements specified by the Attorney General, submit to the Attorney General an application that demonstrates that, with respect to offenders in prisons, jails, and juvenile facilities who require drug treatment and who are in the custody of the jurisdiction involved, during the previous fiscal year that entity provided drug treatment meeting the standards established by the Single State Authority for Substance Abuse (as that term is defined in section 7(e)) for the relevant State to a number of such offenders that is two times the number of such offenders to whom that entity provided drug treatment during the fiscal year that is 2 years before the fiscal year for which that entity seeks a grant.

(2) OTHER REQUIREMENTS.—An application under this section shall be submitted in such form and manner and at such time as specified by the Attorney General.

(c) ALLOCATION OF GRANT AMOUNTS BASED ON DRUG TREATMENT PERCENT DEMONSTRATED.—The Attorney General shall allocate amounts under this section for a fiscal year based on the percent of offenders described in subsection (b)(1) to whom an entity provided drug treatment in the previous fiscal year, as demonstrated by that entity in its application under that subsection.

(d) USES OF GRANTS.—A grant awarded to an entity under subsection (a) shall be used—

(1) for continuing and improving drug treatment programs provided at prisons, jails, and juvenile facilities of that entity; and

(2) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services, such as job training and placement, education, peer support, mentoring, and other similar services.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2009 and 2010.

SEC. 7. GRANTS FOR DEMONSTRATION PROGRAMS TO REDUCE DRUG USE SUBSTANCE ABUSERS.

(a) AWARDS REQUIRED.—The Attorney General may make competitive grants to eligible partnerships, in accordance with this section, for the purpose of establishing demonstration programs to reduce the use of alcohol and other drugs by supervised substance abusers during the period in which each such substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser.

(b) USE OF GRANT FUNDS.—A grant made under subsection (a) to an eligible partnership for a demonstration program, shall be used—

(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership, with respect to the program for which a grant is awarded under this section;

(2) to develop and implement a program for supervised substance abusers during the period described in subsection (a), which shall include—

(A) alcohol and drug abuse assessments that—

(i) are provided by a State-approved program; and

(ii) provide adequate incentives for completion of a comprehensive alcohol or drug abuse treatment program, including through the use of graduated sanctions; and

(B) coordinated and continuous delivery of drug treatment and case management services during such period; and

(3) to provide addiction recovery support services (such as job training and placement, peer support, mentoring, education, and other related services) to strengthen rehabilitation efforts for substance abusers.

(c) APPLICATION.—To be eligible for a grant under subsection (a) for a demonstration program, an eligible partnership shall submit to the Attorney General an application that—

(1) identifies the role, and certifies the involvement, of each agency, organization, or researcher involved in such partnership, with respect to the program;

(2) includes a plan for using judicial or other criminal or juvenile justice authority to supervise the substance abusers who would participate in a demonstration program under this section, including for—

(A) administering drug tests for such abusers on a regular basis; and

(B) swiftly and certainly imposing an established set of graduated sanctions for noncompliance with conditions for reentry into the community relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition, or otherwise);

(3) includes a plan to provide supervised substance abusers with coordinated and continuous services that are based on evidence-based strategies and that assist such abusers by providing such abusers with—

(A) drug treatment while in prison, jail, or a juvenile facility;

(B) continued treatment during the period in which each such substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser;

(C) addiction recovery support services;

(D) employment training and placement;

(E) family-based therapies;

(F) structured post-release housing and transitional housing, including housing for recovering substance abusers; and

(G) other services coordinated by appropriate case management services;

(4) includes a plan for coordinating the data infrastructures among the entities included in the eligible partnership and between such entities and the providers of services under the demonstration program involved (including providers of technical assistance) to assist in monitoring and measuring the effectiveness of demonstration programs under this section; and

(5) includes a plan to monitor and measure the number of substance abusers—

(A) located in each community involved; and

(B) who improve the status of their employment, housing, health, and family life.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than September 30, 2009, the Attorney General shall submit to Congress a report that identifies the best practices relating to the comprehensive and coordinated treatment of substance abusers, including the best practices identified through the activities funded under this section.

(2) FINAL REPORT.—Not later than September 30, 2010, the Attorney General shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership that includes—

(A) the applicable Single State Authority for Substance Abuse;

(B) the State, local, territorial, or tribal criminal or juvenile justice authority involved;

(C) a researcher who has experience in evidence-based studies that measure the effectiveness of treating long-term substance abusers during the period in which such abusers are under the supervision of the criminal or juvenile justice system involved;

(D) community-based organizations that provide drug treatment, related recovery services, job training and placement, educational services, housing assistance, mentoring, or medical services; and

(E) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the office of a United States attorney).

(2) SUBSTANCE ABUSER.—The term ''substance abuser'' means an individual who—

(A) is in a prison, jail, or juvenile facility;

(B) has abused illegal drugs or alcohol for a number of years; and

(C) is scheduled to be released from prison, jail, or a juvenile facility during the 24-month period beginning on the date the relevant application is submitted under subsection (c).

(3) SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.—The term ''Single State Authority for Substance Abuse'' means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services in that State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 and 2010.

SEC. 8. EMERGENCY AUTHORITY FOR UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—The United States Sentencing Commission, in its discretion, may—

(1) promulgate amendments pursuant to the directives in this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired; and

(2) pursuant to the emergency authority provided in paragraph (1), make such conforming amendments to the Sentencing Guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

(b) PROMULGATION.—The Commission shall promulgate any amendments under subsection (a) promptly so that the amendments take effect on the same date as the amendments made by this Act.

SEC. 9. INCREASED PENALTIES FOR MAJOR DRUG TRAFFICKERS.

(a) INCREASED PENALTIES FOR MANUFACTURE, DISTRIBUTION, DISPENSATION, OR POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in subparagraph (A), by striking ''$4,000,000'', ''$10,000,000'', ''$8,000,000'', and ''$20,000,000'' and inserting ''$10,000,000'', ''$50,000,000'', ''$20,000,000'', and ''$75,000,000'', respectively; and

(2) in subparagraph (B), by striking ''$2,000,000'', ''$5,000,000'', ''$4,000,000'', and ''$10,000,000'' and inserting ''$5,000,000'', ''$25,000,000'', ''$8,000,000'', and ''$50,000,000'', respectively.

(b) INCREASED PENALTIES FOR IMPORTATION AND EXPORTATION.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), by striking ''$4,000,000'', ''$10,000,000'', ''$8,000,000'', and ''$20,000,000'' and inserting ''$10,000,000'', ''$50,000,000'', ''$20,000,000'', and ''$75,000,000'', respectively, and

(2) in paragraph (2), by striking ''$2,000,000'', ''$5,000,000'', ''$4,000,000'', and ''$10,000,000'' and inserting ''$5,000,000'', ''$25,000,000'', ''$8,000,000'', and ''$50,000,000'', respectively.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS AND REQUIRED REPORT.

(a) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF JUSTICE.—There is authorized to be appropriated to the Department of Justice not more than $36,000,000 for each of the fiscal years 2009 and 2010 for the prosecution of high-level drug offenses, of which—

(1) $15,000,000 is for salaries and expenses of the Drug Enforcement Administration;

(2) $15,000,000 is for salaries and expenses for the Offices of United States Attorneys;

(3) $4,000,000 each year is for salaries and expenses for the Criminal Division; and

(4) $2,000,000 is for salaries and expenses for the Office of the Attorney General for the management of such prosecutions.

(b) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF TREASURY.—There is authorized to be appropriated to the Department of the Treasury for salaries and expenses of the Financial Crime Enforcement Network (FINCEN) not more than $10,000,000 for each of fiscal years 2009 and 2010 in support of the prosecution of high-level drug offenses.

(c) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF HOMELAND SECURITY.—There is authorized to be appropriated for the Department of Homeland Security not more

than $10,000,000 for each of fiscal years 2009 and 2010 for salaries and expenses in support of the prosecution of high-level drug offenses.

(d) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under this section shall be in addition to amounts otherwise available for, or in support of, the prosecution of high-level drug offenses.

(e) REPORT OF COMPTROLLER GENERAL.—Not later than 180 days after the end of each of fiscal years 2009 and 2010, the Comptroller General shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and House of Representatives a report containing information on the actual uses made of the funds appropriated pursuant to the authorization of this section.

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall apply to any offense committed on or after 180 days after the date of enactment of this Act. There shall be no retroactive application of any portion of this Act.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LUNGREN), a senior and active member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of S. 1789, but as someone who helped to write the Drug Control Act of 1986 that we seek to amend, I'd like to make a few observations to set the record straight.

It is indeed true that the death of basketball star Len Bias served as an exclamation point concerning the threat posed to our Nation by the scourge of illegal drug use. The fact that someone who seemed bigger than life could fall prey to the growing cocaine epidemic brought home the reality of the danger to every home with a television set that had tuned into the University of Maryland basketball games. And that reality was not lost on this body.

The number of Americans addicted to cocaine dramatically increased in the 1980s thanks in major part to the escalation in crack use. Hospital emergencies increased by 110 percent in 1986. From 1984 to 1987, cocaine incidents increased fourfold. The crack epidemic was associated with a dramatic increase in drug gang-related violence.

A 1988 study by the Bureau of Justice Statistics found that in New York City, crack use was tied to 32 percent of all homicides and 60 percent of all drug-related homicides.

□ 1340

I would add that even 5 years after the drug bill was considered on this floor there was a growing concern over the crack epidemic which plagued minority neighborhoods. The acclaimed depiction of this scourge was even portrayed in the movie ''New Jack City.'' Director Mario Van Peebles, also one of the main characters in the film, observed that ''the immediate problem is that crack is and was a killer in the Black community today.''

That's what we faced at the time we passed this bill. This is the context of the crack epidemic and the 1986 drug bill. The concern about crack cocaine was, and in my view remains, a valid one. According to the National Institute on Drug Abuse, crack causes faster and shorter highs than powder, which results in more frequent use. Crack cocaine is also associated with gang activities and violence, as evidenced by U.S. Sentencing Commission data. There is, in my view, a basis for disparate treatment of those who traffic in crack versus powder.

Having said that, the inclusion that there is a basis for treating crack and powder differently is in no way a justification for the 100-to-1 sentencing ratio contained in the 1986 drug bill. We initially came out of committee with a 20-to-1 ratio. By the time we finished on the floor, it was 100-to-1. We didn't really have an evidentiary basis for it, but that's what we did, thinking we were doing the right thing at the time.

Certainly, one of the sad ironies in this entire episode is that a bill which was characterized by some as a response to the crack epidemic in African American communities has led to racial sentencing disparities which simply cannot be ignored in any reasoned discussion of this issue. When African Americans, low-level crack defendants, represent 10 times the number of low-level white crack defendants, I don't think we can simply close our eyes.

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

Mr. SMITH of Texas. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

Although I cannot, and could not, support the legislation reported out of our committee to completely eliminate any disparity in the treatment of these illicit substances, that is not what we have before us today on this floor. I must say that from a law enforcement standpoint, perhaps the most important factor here is the amount of the substance that is covered. According to narcotics officers I have spoken with, you want to reach the wholesale and mid-level traffickers who often trafficked in 1-ounce quantities.

That is why S. 1789 would raise the amount of crack cocaine necessary to trigger a mandatory 5-year sentence from 5 grams to 28 grams, which is close to the 1 ounce. This does seem to make some sense. It is a fair and just treatment of the problem. It serves the interests of law enforcement in reaching wholesale and mid-level traffickers while reducing the crack powder ratio to 18-to-1 from the current 100-to-1.

I think this is tough but fair. I would not support going further. I support this bill very strongly. I believe that this is what justice should be about. This is a well-crafted bill. It is a good compromise. It serves the ends of justice and fairness. I hope people will support it.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 30 seconds to make a brief comment.

The gentleman from California just mentioned the 1986 law. We are not blaming anybody for what happened in 1986, but we have had years of experience and have determined that there is no justification for the 100-to-1 ratio. We know that's what we know now, and so we're not blaming anybody for what happened in 1986, but we are fixing what we have learned through years of experience.

I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank Chairman SCOTT, Chairman CONYERS, and also let me thank my colleagues on the other side of the aisle who see the wisdom of moving forward based on what we know about the disparity in crack cocaine sentencing now, what we've learned over the years, thank all of them for yielding to evidence, which I think is so important.

Before I ever came to Congress, Mr. Speaker, I spent the better part of my life representing people in the courts of our country as a public defender and representing them in the courts of our country in Federal and State court, and I saw so many of these cases. I think what disgusted me the most is the human potential that would just be thrown away, as I would have to tell a young person who was caught with crack that if they'd had cocaine they would have a chance at probation, they would be able to really take advantages of treatment and perhaps reconstruct their lives. But because they had crack, their lives were going to be basically over at a pretty young age, thrown away in a cell to have really no real opportunity, be in prison for 10, 5 years for what another person would get probation for. And this made it incredibly difficult to argue that our system of law was fair, that we believed in justice, that we thought it was right and just to treat people the same for doing the same thing.

The fact is, the chemical difference between crack and cocaine is the differences between water and ice. It is the same thing, and you cannot explain to a people that for doing the same thing that they should get 100-to-1 more severe treatment. It doesn't make sense.

So let me just commend people on both sides of the aisle for correcting this severely disproportionate and unfair anomaly in our law enforcement, and I take no blame for anybody. But I will say that there are thousands of people, literally thousands of people, who may get a real chance at life because of a mistake in their drug cases, because of this law.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my friend and colleague from Texas (Mr. PAUL).

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

Mr. PAUL. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this legislation. It's called the Fair Sentencing Act. I'd like to rename it, though. I'd like to call it the Slightly Fairer Resentencing Act, because it really makes an attempt to correct a very, very serious problem in equal justice in our systems, and that effort I think we should all applaud. I would have much preferred H.R. 3245. I was an original cosponsor of that along with Congressman SCOTT, but I think this is a typical example of trying to fix a problem that we invite upon ourselves.

In economics, I adhere to the position that once you want to do some good in the economy, with all the best motivations, we do things and we create new problems and we have to go back. If you get two new problems for every intervention, then you're constantly writing laws.

Well, in social policy, I believe the same thing. It was trying to improve social policy with crack cocaine. There was no evidence on this. It was designed to help people, especially the minorities that were using crack cocaine, and they thought this was terrible, and it turned out that its law backfired. It actually hurt minorities, didn't help them. Here we are trying to correct this disparity, and it just, to me, confirms the fact that government management, whether it is the economy or social policy, doesn't make a whole lot of sense.

When this country decided it was very dangerous to drink alcohol and we had to stop it, back in those days, in the teens of the last century, they decided in order for the government to do this they had to amend the Constitution. Can you imagine anybody being concerned today by what we do here and say we have to amend the Constitution? Oh, no. We amended the Constitution. It was a bomb. It made alcohol much more dangerous. All the drug dealers sold the alcohol, and the alcohol was more concentrated and less pure. People died. People woke up and they repealed it.

This is what's going to have to happen someday. We need to repeal the war on drugs.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the majority leader of the House of Representatives, the gentleman from Maryland (Mr. HOYER).

□ 1350

Mr. HOYER. Mr. Speaker, I rise in support of this legislation and thank Mr. SCOTT for yielding to me.

I also want to thank the former attorney general from California, DAN LUNGREN, for working with me on this issue and JIM SENSENBRENNER and others.

Two decades ago, Congress responded to the addictiveness of crack cocaine, a terrible drug, and the violence it brought in its wake by establishing harsh mandatory sentences for possessing and dealing it. In supporting that policy, Congress also created a wide disparity, however, between crack cocaine and powder cocaine sentences—both addictive, both illegal.

Possessing an amount of crack equal to the weight of two pennies has resulted in a mandatory minimum sentence of 5 years. In order to receive a similar sentence for possessing a chemically similar powder, cocaine, one would have to be carrying 100 times as much cocaine.

It has long been clear that 100-to-1 disparity has had a racial dimension as well, helping to fill our prisons with African Americans disproportionately put behind bars for longer.

The 100-to-1 disparity is counterproductive and unjust. That's not just my opinion, but the opinion of a bipartisan U.S. Sentencing Commission, the Judicial Conference of the United States, the National District Attorneys Association, the National Association of Police Organizations, the Federal Law Enforcement Officers Association, the International Union of Police Associations, and dozens of former Federal judges and prosecutors. They have seen firsthand the damaging effects of our unequal sentencing guidelines up close, and they understand the need to change them. That's what this is about.

The Fair Sentencing Act does that. It also strengthens sentences for those who profit by addicting others to drugs, as it should do.

This bill has overwhelming bipartisan support. Whatever their opinions on drug policies, members of law enforcement, community advocates, and Members of Congress overwhelmingly support this bill. In fact, it passed the Senate unanimously.

In the words of a letter signed by a bipartisan group with sponsors on the Senate Judiciary—Senators LEAHY, SESSIONS, FEINSTEIN, HATCH, SPECTER, GRASSLEY, DURBIN, GRAHAM, CARDIN, CORNYN and COBURN—a very, very bipartisan and broad spectrum group of supporters, they said this: ''Congress has debated the need to address the crack powder disparity for too long. We now have the ability to address this issue on a bipartisan basis.'' They supported this legislation, which is, again, why it passed in a bipartisan fashion through the United States Senate.

My colleagues, I urge support of this legislation. I am pleased that the leadership on both sides of the aisle will be supporting this legislation. We do so for the same reason that Senators CORNYN, HATCH, GRAHAM, and SESSIONS all support their legislation. It's the right thing to do. It will enhance, not diminish prosecution, and it will lead to better justice in America while at the same time making sure that we penalize and hold accountable those who would addict our children and our fellow citizens.

I urge support of this legislation.

Mr. SMITH of Texas. I yield myself the balance of my time.

Mr. Speaker, more than any other drug, the majority of crack defendants have prior criminal convictions. Despite claims by some, this is not an issue of one-time crack users being prosecuted for possession. This is about offenders who perpetually peddled this dangerous drug and should pay the price for their actions.

Despite the devastating impact crack cocaine has had on American communities, this bill reduces the penalties for crack cocaine. Why would we want to do that? We should not ignore the severity of crack addiction or ignore the differences between crack and powder cocaine trafficking. We should worry more about the victims than about the criminals.

Why would we want to reduce the penalties for crack cocaine trafficking and invite a return to a time when cocaine ravaged our communities, especially minority communities?

This bill sends the wrong message to drug dealers and those who traffic in destroying Americans' lives. It sends the message that Congress takes drug crimes less seriously than they did. The bill before us threatens to return America to the days when crack cocaine corroded the minds and bodies of our children, decimated a generation, and destroyed communities.

Mr. Speaker, I hope, sincerely, that those who support this legislation are prepared to take responsibility if cocaine trafficking increases, if our neighborhoods and communities once again become riddled with violence, and the lives of Americans are unnecessarily destroyed.

I hope that doesn't happen, but at least today we have gone on record as saying that there was a warning, and I can only hope that at some point in the future it will be heeded and responded to.

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

Mr. SCOTT of Virginia. Mr. Speaker, this bill does not reduce the disparity from 100-to-1 to 1-to-1. It does not eliminate the mandatory minimums, but it is a step in the right direction and, therefore, I urge my colleagues to support S. 1789.

Mr. PAUL. Mr. Speaker, I rise in reluctant support for S. 1789, the Fair Sentencing Act. My support is reluctant because S. 1789 is an uncomfortable mix of some provisions that reduce the harms of the federal war on drugs and other provisions that increase the harms of that disastrous and unconstitutional war. I am supporting this legislation because I am optimistic the legislation's overall effect will be positive.

Congress should be looking critically at how we can extricate America from the four decades of destruction that has ensued since President Richard Nixon announced the federal war on drugs in 1972. As a medical doctor with over 30 years' experience, I certainly recognize the dangers that can arise from drug abuse. However, experience shows that the federal drug war creates many additional dangers, while failing to reduce the problems associated with drug abuse. Like 14 years of federal alcohol prohibition in the 1920s and '30s, America's federal drug war has failed to

ameliorate the problems associated with drug use, while fostering violence and disrespect for individual rights.

While imperfect, I am optimistic that the Senate bill being considered today will reduce the harms of the federal drug war. I also hope consideration of this legislation will enliven interest in ending the federal war on drugs.

It is unfortunate that the House of Representatives is today considering this compromise legislation from the Senate instead of Representative BOBBY SCOTT's H.R. 3245, the Fairness in Cocaine Sentencing Act. I am an original cosponsor of Representative SCOTT's bill, which passed the House of Representatives Committee on the Judiciary on July 29, 2009—one year ago tomorrow. Representative SCOTT's legislation is a short and simple bill that repeals a handful of clauses, sentences, and subparagraphs of federal drug laws to eliminate the 100 to one drug weight basis for sentencing disparity for crack cocaine violations in comparison to powder cocaine violations.

I will vote for the Senate legislation today because it rolls back some of the enhanced mandatory minimum sentences for crack cocaine that the federal government created in 1986. These enhanced mandatory minimum sentences have caused people convicted for small amounts of crack cocaine to serve much longer sentences in prison than people convicted for the same amount of powder cocaine.

While the Senate legislation reduces the drug weight basis for mandatory minimum sentencing disparity between crack cocaine and powder cocaine convictions for many individuals to only 18 to one compared to the total elimination of the disparity in Representative SCOTT's bill, the Senate bill does make a step in the right direction. The Senate bill eliminates entirely the mandatory minimum sentence for simple possession of crack cocaine and reduces significantly the mandatory minimum sentence for many people convicted of crack offenses by raising the number of grams of crack cocaine a person must possess for each mandatory minimum sentence level to apply. In addition, the Senate bill allows courts to show compassion for individuals with compelling cases for leniency by reducing sentences for some people convicted of controlled substances violations who a court determines meet requirements including having minimum knowledge of the illegal enterprise, receiving no monetary compensation from the illegal transaction, and being motivated by threats, fear, or an intimate or family relationship.

Unfortunately, while the Senate bill reduces some of the most extreme and unjust mandatory minimum sentences in the federal drug war, it also contains expansions of the federal drug war that I fear may yield results destructive to individual liberty and public safety. In particular, the Senate bill significantly increases maximum allowed monetary penalties for violations of federal restrictions on controlled substances and increases sentences for people convicted of controlled substances violations whose circumstances include certain aggravating factors.

Some people will argue that the increased penalties in the Senate legislation are desirable because they target people who are high up in the illegal drug trade or who took particularly disturbing actions, such as involving a minor in drug trafficking. But, the history of the federal drug war has shown that ramping up penalties always results in increasing rather than decreasing the harms arising from the federal drug war. Such enhanced penalties increase the risks of the drug trade thus causing illegal drug operations to be more ruthless and violent in their tactics. Enhanced penalties also can result in even more inflated prices for illegal drugs, leading to more thefts by individuals seeking funds to support their drug use. High monetary fines for drug trafficking also tend to provide police and prosecutors with a perverse incentive to focus on nonviolent drug crimes instead of violent crimes.

Each successive ramping up of the federal war on drugs has made it more evident that this war is incompatible with constitutional government, individual liberty, and prosperity. It is time for Congress to reverse course. I am optimistic that S. 1789—even with its faults—may signal that Congress is ready to begin reversing course. It is imperative that the House of Representatives pursue a dialogue on how we can end the federal war on drugs—a war that has increasingly become a war on the American people and our Constitution.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, S. 1789.

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

A motion to reconsider was laid on the table.

LOBBYING DISCLOSURE ENHANCEMENT ACT

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5751) to amend the Lobbying Disclosure Act of 1995 to require registrants to pay an annual fee of $50, to impose a penalty of $500 for failure to file timely reports required by that Act, to provide for the use of the funds from such fees and penalties for reviewing and auditing filings by registrants, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5751

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 ''Lobbying Disclosure Enhancement Act''.

SEC. 2. LOBBYING DISCLOSURE ACT TASK FORCE.

(a) ESTABLISHMENT.—The Attorney General shall establish the Lobbying Disclosure Act Enforcement Task Force (in this section referred to as the ''Task Force'').

(b) FUNCTIONS.—The Task Force—

(1) shall have primary responsibility for investigating and prosecuting each case referred to the Attorney General under section 6(a)(8) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(a)(8)); and

(2) shall collect and disseminate information with respect to the enforcement of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 3. REFERRAL OF CASES TO THE ATTORNEY GENERAL.

Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(a)) is amended—

(1) in paragraph (8), by striking ''United States Attorney for the District of Columbia'' and inserting ''Attorney General''; and

(2) in paragraph (11), by striking ''United States Attorney for the District of Columbia'' and inserting ''Attorney General''.

SEC. 4. RECOMMENDATIONS FOR IMPROVED ENFORCEMENT.

The Attorney General may make recommendations to Congress with respect to—

(1) the enforcement of and compliance with the Lobbying Disclosure Act of 1995; and

(2) the need for resources available for the enhanced enforcement of the Lobbying Disclosure Act of 1995

SEC. 5. INFORMATION IN ENFORCEMENT REPORTS.

Section 6(b)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(b)(1)) is amended by striking ''by case'' and all that follows through ''public record'' and inserting ''by case and name of the individual lobbyists or lobbying firms involved, any sentences imposed''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Lobbying Disclosure Enhancement Act makes several straightforward, commonsense amendments to the enforcement provisions of the Lobbying Disclosure Act.

First, this bill establishes a task force specifically dedicated to the enforcement of our lobbying laws. Although the newspapers are full of stories about lobbyists who file late, inaccurate, and incomplete reports, there has not yet been a single significant enforcement action.

□ 1400

We believe that an institutional change is in order. The task force will receive complaints from the Clerk of the House, investigate these cases, and enforce the disclosure laws to the fullest extent.

Second, this bill asks the Department of Justice to make recommendations to the Congress for additional improvements to the enforcement of lobbying disclosure laws. The ethics reform legislation we passed last Congress was an important step in bringing transparency and accountability to lobbying disclosure, but much more

can and should be done. We look forward to working with Attorney General Holder to improve on the current system.

Third, the bill amends the Lobbying Disclosure Act to require the Attorney General to publish the names of lobbyists and lobbying firms who are sanctioned under the law. Just as we expect the Department of Justice to enforce the LDA, this bill will require the Department to be transparent about the results of their investigations and prosecutions.

I would like to thank the sponsor of the bill, the gentlelady from Ohio (Ms. KILROY), for her steadfast leadership on this important issue. I urge my colleagues to support the legislation.

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

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

Mr. Speaker, I support H.R. 5751, the Lobbying Disclosure Enhancement Act. The purpose of the bill is to provide flexibility to the executive branch for the enforcement of the provisions in the Lobbying Disclosure Act of 1995.

H.R. 5751 directs the Attorney General of the United States to establish a task force towards this end. The task force is given the primary responsibility to investigate and prosecute possible violations of the Lobbying Disclosure Act. The task force is also directed to collect and disseminate information with respect to compliance with the enforcement of the act.

Legislation specifies that with the information gathered by the task force, the Attorney General may make recommendations to Congress with regard to improving enforcement of the Lobbying Disclosure Act and the resources it needs. We expect the task force created by this bill to become a new point of contact. It will be up to the Attorney General to determine where to locate the task force and the responsibilities under the Lobbying Disclosure Act within the Justice Department's organizational structure.

I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I do want to express concern about the process and the development of the execution or the bringing of this bill forward.

I have expressed support of it, it makes some sense—it doesn't, quite frankly, do much—but it should also be noted that there should be a proper way and process by which we move these bills forward.

This bill was introduced on July 15. It didn't show up on the whip notice until late last night. This morning, in a very bipartisan way—and I thank both sides for working together with the staff—but we have a copy of this bill that came across at 12:15; it is now just after 2 o'clock.

The title of the bill, as read, talks about a fee that would be imposed, a penalty that would be imposed. My understanding is—and I'm happy to yield to the gentleman who is managing this bill to help talk about this—but the title of the bill talked about a new fee and penalty, but I don't think there's fees and penalties even in the bill.

There was no hearing, there was no subcommittee work, there was no committee work on this.

I would be happy to yield to the gentleman if he can help clarify any of those points.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Yes, there are fees in the title of the bill; however, in working with the minority, the bill was amended and the fees were taken out. The title did not change because of the amendments, but that's why the fees are not there because we were accommodating the minority side of the aisle.

Mr. CHAFFETZ. Reclaiming my time, the annual fee, I guess, was going to be $50. To impose a penalty of $500 for failure to file timely reports—these lobbyists walk around with $5,000 bills in their pockets. I would like to see, if we had time to discuss this in committee, a $500 penalty. They get that in a half hour's work. That isn't much of an incentive for them to file in a timely manner.

The bigger, broader point, Mr. Speaker, is these are the types of discussions that really should happen in the subcommittee and in the committee, the timing of these issues, why we would make this change.

Mr. Speaker, I would just make a further point on H.R. 5751. While it moves the structure slightly and gives more flexibility to the Attorney General, obviously we want to see these laws and the compliance fulfilled as much as possible. If this will in any way help the Attorney General in doing so, so be it; we're happy to support this bill.

I still must reiterate that the speed in which this bill was offered, the lack of opportunity for members within the Judiciary Committee to properly debate this, vet this, the fact that we were still dealing back and forth with some staff—and, again, I appreciate the bipartisan way in which it was done, but at the same time, these are the types of things that get vetted and ferreted out with better discussion and review. I think we could have made it stronger, quite frankly. We could have added some real teeth to it, that's unfortunate, but nevertheless, we do urge its passage.

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

Mr. SCOTT of Virginia. Mr. Speaker, may I inquire as to how much time remains on this side?

The SPEAKER pro tempore. The gentleman has 18½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, to close for our side, I yield the balance of my time to the sponsor of the bill, the gentlelady from Ohio (Ms. KILROY).

Ms. KILROY. Mr. Speaker, I rise in support of legislation I introduced, H.R. 5751, the Lobbying Disclosure Enhancement Act, to help bring accountability to the way lobbyists do business in Washington.

Back home, many people tell us that Washington is broken, that we need to end politics as usual. Well, one of the ways we tried to do this is to rein in lobbyists through the disclosure filings that they are required to file, and it is amazing how difficult it is to even make that happen.

H.R. 5751 would create a task force to help investigate and prosecute violations of the Lobbying Disclosure Act. If there is not some kind of push to enforce, then frequently people fall into noncompliance and they don't take us seriously. Well, it's time for us to be taken seriously on this question.

Mandated by the Honest Leadership and Open Government Act of 2007, a recent GAO study found the need for more transparency and accountability for special interest influence in government. Specifically, the GAO found that since 1996, the Secretary of the Senate has referred 8,281 potential violations of lobbying disclosure rules to the DOJ. About 4,400 of those referrals occurred in 2009 alone. The Office of the Clerk has referred an aggregate of 760 potential noncompliant registrants to the U.S. Attorney for the District of Columbia. And for 9 years, at least one organization reported lobbying the same 16 outdated—and mostly dead—pieces of legislation it initially reported in 1999 and 2000.

These statistics show a growing trend of mistakes and noncompliance that can't be ignored by this body. We have promised the American people more transparency and accountability, and my bill will help deliver on that promise.

Mr. CHAFFETZ. Will the gentlewoman yield for a question?

Ms. KILROY. I yield to the gentleman from Utah.

Mr. CHAFFETZ. Thank you.

Mr. Speaker, my question is about the fees. Originally, the title said there was going to be a fee and that there was going to be a penalty. And suddenly, why did those come out? If you want accountability, why would you take out the penalty?

Ms. KILROY. I thank the gentleman for his question.

I fully would have supported a fee such as was included in the original bill, but we were informed by the Clerk of the House that they could not administer such a fee. So I would be more than happy if you and others in Judiciary would take up that question and return that question when we come back in September.

□ 1410

But reclaiming my time, I came here to change the ''politics as usual'' approach and to help bring reform.

The Attorney General is given the responsibility to report back to Congress with policy recommendations about how best to improve the Lobbying Disclosure Act going forward and about how to make the processing and enforcement seem self-funded. I believe that the taxpayers should not have to

shoulder the heavy burden of playing watchdog to this industry and that the creation of a self-sustaining system could be possible.

My legislation changes the current disclosure rule that previously prevented the Department of Justice from publishing the name and firm of anyone in violation of the Lobbying Disclosure Act. We will now know the names of the lobbyists who continue to file late or to file incorrect information. This change reminded me of a phrase I heard recently: ''What you can't get through altruism, you must get through shame.''

Mr. Speaker, I want to thank Chairman CONYERS and the Judiciary Committee staff, who worked with me on this bill, as well as the majority leader for giving me the opportunity to speak to this bill this afternoon on the floor.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill,

H.R. 5751, as amended.

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

The title was amended so as to read: ''A bill to provide for the establishment of a task force that will be responsible for investigating cases referred to the Attorney General under the Lobbying Disclosure Act of 1995, and for other purposes.''.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5822, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1559 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1559

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. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 63, line 4. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except the amendments 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 10 minutes equally divided and controlled by the proponent and an opponent, 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. In 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. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations 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).

SEC. 4. It shall be in order at any time through the calendar day of August 1, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 1559 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule, and the gentleman from Arizona and the gentlewoman from Maine each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I raise this point of order today not because of unfunded mandates in the bill, although, there are probably some, but because it is about the only opportunity we have here in the minority to protest the kind of treatment that these appropriation bills are getting in the Rules Committee and to protest the manner in which they are coming to the floor.

It used to be that it was a time-honored tradition in this House to have appropriation bills come to the floor under an open rule. Over the past couple of years, that has turned into a structured rule, so many Members in this body, in the minority and the majority, have not had this opportunity. Let's take last year, for example.

Every appropriation bill, all 12, came to the floor under structured rules. There were some Members on both sides of the aisle who offered multiple amendments throughout the year. That is the one chance they have to actually offer amendments on appropriation bills—the things that we are supposed to be doing here in Congress—and they weren't allowed to offer one. Many Members were denied the opportunity to offer any amendments.

□ 1420

There were some 1,500 amendments offered last year. Just 12 percent, fewer than 200, were made in order. And, in fact, I offered about 635 myself. I was only permitted to offer 50, after the structured rule took effect.

Now, the leadership on the majority side will often say, well, we have to keep order in this place, and people would simply offer dilatory amendments and take too long in the process. I remember times in years past, and I haven't been here that long, but just a couple of years ago where we would spend 2 or 3 or 4 days on one appropriation bill because that's what we do here. That's the important part of what we do. Yet, the majority can't seem to find time to allow all amendments to these bills.

Instead of allowing debate on amendments to appropriation bills, let me give you some idea of what we've been doing over the past couple of months and why the statement that we simply can't allow people to offer this many amendments would be proper because we don't have time. Well, here's what we've had time for. And let me note that each one of these that I mention, and this is just a fraction of these kind of suspension bills that we've dealt with, each one of these allows for 10 minutes of debate. That's as much time as we allow on any amendment coming before on the appropriation bill.

H.R. 1460, Recognizing the important role of pollinators. That one we dealt with just a month or so ago.

H.R. 1491, Congratulating the University of South Carolina, the Gamecocks, for winning the 2010 NCAA Division I College World Series.

H. Res. 1463, Supporting the goals and ideals of Railroad Retirement Day.

Now, these things may be nice to do and nice to those who receive these kind of accolades, but it's not the important business of this House. And so to say that we don't have time to actually debate amendments to these appropriation bills, and the one that we

are dealing with today, many amendments that were submitted by Members were turned away, were not allowed in this structured role.

Another thing we dealt with, supporting the goals of National Dairy Month. Now, how in the world is that more important than allowing Members to strike funding from appropriation bills?

I need not remind this Chamber that 42 cents of every dollar we spend this year, 42 cents of every dollar we spend this year will be borrowed from our kids, from our grandkids, from whomever overseas who buys our bonds. And yet we can't allow time to let Members offer amendments to strike spending from these bills. We only allow a certain percentage of them.

Supporting the goals and ideals of American Craft Beer Week. That was H.R. 1297 that we dealt with in the last couple of months, the time that we usually designate in this body to deal with appropriation bills.

Congratulating the Chicago Blackhawks. That was H.R. 1439.

Supporting National Men's Health Week.

Recognizing June 8, 2010, as World Ocean Day.

As I mentioned, these might be good things to do, but when they're taking up time that the majority seems to say now we don't have time for appropriation bills, that's wrong.

And when they, in the Rules Committee, will say, sorry, the gentleman from Colorado or wherever else can't offer his amendment because we've taken too much time recognizing National Nurses Week or supporting the goals and ideals of National Learn to Fly Day or expressing support for the goals and ideals of Children's Book Week, recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, I think you're getting the picture here.

It's a hollow statement to say that we don't have time to deal with these amendments on appropriation bills. The truth is the leadership simply doesn't want these things debated all that much.

Mr. Speaker, I reserve the balance of my time, and I will explain why in a minute.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the thoughts of my colleague from Arizona.

I would say that I wouldn't stand up here and criticize nurses, dairy farmers, small breweries, which I have many of in my State, or even the pollinators. I actually have a daughter who's a beekeeper, and I think we all recognize the importance of pollination.

But let me get serious here. Once again, my friends on the other side of the aisle, I think, are trying to block important legislation by using a procedural tactic. They want to prevent this rule and the underlying legislation from going forward without any opportunity for debate, without an opportunity for an up-or-down vote on the legislation itself.

I think that's wrong. I hope my colleagues will vote ''yes'' so we can consider this legislation on its merits and not kill it with a procedural motion.

I say, let's not waste any more time on unrelated parliamentary measures. Those who oppose the bill can vote against it on final passage. We must consider this rule, and we must pass the bill today.

I have the right to close but, in the end, I will urge my colleagues to vote ''yes'' to consider the rule.

I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I want to respond to the gentlelady.

The gentlelady says that I am criticizing pollinators or beer distillers or whomever. I'm not. I'm just saying the Congress doesn't need to congratulate everybody who wins a championship or everybody who distills beer. I mean, it's just nutty for us to spend so much time on these things and then say, I'm sorry, we don't have time for Members to offer amendments on appropriation bills to actually strike spending so that we're not borrowing 43 cents on every dollar that we spend this year.

Let me mention why it is that the leadership and the Appropriations Committee may not be so anxious for Members to debate these bills—because there are a lot of earmarks in them. This chart shows 11 of the 12 appropriation bills that have gone through either the subcommittee or committee. It looks like a hungry Pacman here, but what this shows in the red is the percentage of earmark dollars associated with powerful Members of Congress. That includes members of the Appropriations Committee, members of leadership, or chairmen of committees. That represents about 13 percent of this body.

Yet, when you look at the number of earmark dollars or percentage of earmark dollars, Homeland Security, that 13 percent is garnering 52 percent of the earmark dollars. CJS, 57 percent; Agriculture, 76 percent of the earmark dollars are going to just 13 percent of this body, the 13 percent that are writing the rules here and are deciding that certain amendments simply won't be offered. That is wrong. We shouldn't be doing that. TTHUD, which we'll be doing just tomorrow, 42 percent of the earmark dollars are going to just 13 percent of this body.

Is it any wonder that the leadership on the majority side does not want certain amendments debated here?

MILCON VA, 51 percent going to just 13 percent of this body. Energy and Water, 53 percent; Labor/HHS, 66 percent; Interior, 60; Defense, 55.

In Defense, we just learned today that an amendment has been submitted—I'm sorry, an earmark has been submitted, $10 million for the John Murtha Center, our beloved Member who deceased just a few months ago. We're going to earmark $10 million to create a center in his honor in the Defense bill. I think that that ought to be debated here, but chances are we won't even get to the Defense bill.

It's unlikely we're going to get to very many of the appropriation bills this year, and the ones that we do will come to the floor under a structured rule where Members will not be allowed to offer amendments, or just a few of them on the ones that the majority chooses to hear. They can choose the ones they don't want to hear and choose the ones that they hear.

I would like to hear a response from the Rules Committee as to what reasoning goes behind which amendments will be allowed under what is traditionally an open rule and which ones will not.

And I would yield to the gentlelady if she would explain the rule or how the Rules Committee arrives at this rule.

I guess the gentlelady doesn't want to respond on this. I wouldn't either. I wouldn't want to try to justify closed rules or structured rules coming to this body on appropriation bills when we're spending more time doing things like recognizing the 50th anniversary of Title VI international education programs, recognizing the importance of manufactured and modular housing in the United States. These are all goods things. It doesn't mean we should spend time that could otherwise be debating appropriation bills, which is what we do here. We prioritize by funding. That's what Congress does. We have the power of the purse. And yet we're shortchanging that process so that we can support the goals and ideals of Student Financial Aid Awareness Month and raise awareness of student financial aid. Like I said, not a bad thing, but not something that should supplanting what we should be doing here.

And so, Mr. Speaker, I would just plead with the Rules Committee and, more importantly, the leadership on the majority side to realize that the traditions of this body, the institutional things that we have here, open rules on appropriations, should be honored.

Now, I've come here for the past 10 years and offered a lot of amendments, many of which when we were in the majority. My own party didn't like these amendments, but they suffered through them because they knew that things matter here like tradition or upholding the institution.

□ 1430

So they allowed all amendments, some of which targeted Members of our own party. But the majority in power now doesn't seem to want that. They want to shield their Members from difficult votes and also shield those who are getting these earmarks from any scrutiny. These amendments aren't really scrutinized in the Appropriations Committee. So if they aren't argued and debated here, they simply aren't going to get a vetting.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, to the questions of my colleague from Arizona, I have to say you have far more experience in this body than I do. As you know, I'm a freshman Member. So I have only operated under the current process that we have today. I can't speak to what the process was like in the past.

I can say, as a member of the Rules Committee, a tremendous number of amendments come before our committee. And if all of them were allowed to come to the floor, and if this were an open rule, I'm sure there would be some advantages and some opportunities for greater debate.

On the other hand, on the issues that we're about to take up today, the essential issue of veterans benefits, which I'm going to look forward to speaking to in a few minutes, assuming that we vote down this current point of privilege, I am looking forward to the opportunity to move forward on taking better care of our veterans. And if we had a tremendous number of amendments before us today, I am not sure we would ever get there.

In fact, when I look at some of the information that I have before me, I am reminded that during the DOD appropriations bill in 2009, when I was sitting on the Rules Committee, we actually had 606 amendments come before us. Many of them were just there, I think everybody would agree on both sides of the aisle, many of them were just there to score political points. So do our constituents want us to take up our time today with listening to political back and forth taking up day after day with 606 amendments, or do they want us to get right to the heart of the matter, and that is to move forward on the issue of taking better care of our veterans?

And let me make one other point. You know, you've talked about earmarks, and you are very eloquent on the topic of earmarks; and I appreciate that. I think a lot of our constituents have great concerns about earmarks, how are they handed out, how does the budgeting process work here. But I do have to say as a freshman Member, I have taken great care to have a tremendous amount of transparency around the topic of earmarks.

We hold appropriations meetings in our district. We invite individuals with any kind of issue to come before us that they would like to see appropriated, whether it's a highway bridge, or whether it's a community center, or whether it's a particular project that might benefit anyone in our district, the university, or some system. We actually ask each person who comes before us with an earmark request to make a 3-minute video. Then we post it on our Web site. Then we ask our constituents, do you have opinions on this?

So while I understand much of the concerns about the earmark process, I have to say as one Member who I can't say is in the top 13 percent of the highest recipients of earmarks, I still appreciate the process which allows me to take my constituents' wishes before the Appropriations Committee and say, you know, this would benefit my district, this would benefit my university, this would create more jobs. And I do it in a fully transparent manner. So I believe my constituents have the benefit of knowing all of the information around earmarking and doing the very best we can with making sure that process isn't handled in back rooms or in the dark of the night, but is actually a very transparent process.

So I appreciate the concerns that you have brought before us today. I look forward to moving forward on the debate on this rule so that we can move forward on what I think is a vital part of our appropriations process, that's taking care of our veterans.

So again, I want to urge my colleagues to vote ''yes'' on this motion to consider so we can debate and pass this important legislation today.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1559.

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

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1559 provides for consideration of H.R. 5822, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act of 2011, under a structured rule. The rule provides 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. 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 waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI. The rule makes in order only those amendments printed in the report. All points of order against the amendments except those arising under clause 9 or 10 of rule XXI are waived.

The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without division of the question. The rule provides one motion to recommit with or without instructions. The rule provides that after consideration of the bill for amendment, the chair and the ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate. Finally, the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee.

Mr. Speaker, for more than 9 years our country has been engaged in two conflicts halfway around the world. The number of wounded military personnel in Iraq and Afghanistan has put a financial strain on the Department of Veterans Affairs. The VA expects to treat more than 6.1 million patients in 2011, including more than 439,000 veterans of Iraq and Afghanistan. In addition, the constant training, deployment, and redeployment of our troops have put a significant burden on our military.

H.R. 5822 appropriates funding for military construction, veterans programs, and four related agencies. Our troops have performed admirably wherever they have been deployed, and Congress has an obligation to provide the care and compensation to every eligible veteran. This bill also provides additional funding for the Guard and Reserves to address critical unfunded requirements as a result of prolonged and repeated deployments. In my home State of Maine, thousands of Guard and Reservists have made invaluable contributions to our national defense, and I am proud to see this funding included in the bill.

H.R. 5822 renews our commitment to redevelop closed military bases and their surrounding communities. The bill provides necessary funding to implement the 2005 BRAC and address the enormous backlog of environmental cleanup projects from previous BRAC rounds. This funding is essential to communities across the country, including the towns of Brunswick and Topsham in my district, which are already experiencing economic difficulties from the closing of Brunswick Naval Air Station. We must do everything we can to support the communities that the BRAC bases leave behind.

While the investments in military construction are vital, they are only a small portion of this bill. The vast majority of legislation is devoted to veterans' programs. The bill provides the necessary funding for veterans' medical care, claims processors, and facility improvements, including increased funding for mental health services, assistance programs for homeless veterans, and innovative services for veterans in rural areas.

The military construction projects in this bill are vital to ensure that the

missions of each installation are carried out in the most efficient manner possible. One great example is the funding contained in this bill for Portsmouth Naval Shipyard in Kittery, Maine. The shipyard provides world-class overhaul, repair, and modernization of nuclear submarines. The yard has a reputation of delivering subs back to the fleet on time and under budget.

This fall, the Portsmouth Naval Shipyard will welcome the first Virginia-class submarine to Maine for an overhaul. This bill contains $11.9 million to modernize the structural shops at the yard, which will improve the equipment layout and streamline process flow within the shipyard. It will help workers at the yard continue to do high quality work while increasing their efficiency. And this funding is essential to this mission. Increasing maintenance efficiencies and eliminating redundancies will no doubt make the yard more competitive for Navy sub projects in the future.

The Portsmouth Naval Shipyard is an economic success story in Maine. The yard is in the middle of adding approximately 160 new jobs this year, jobs like painters, sheet metal workers, electricians, welders, and engineers. And the construction work that this bill will fund will be done by outside contractors, bringing even more jobs to the area. The funding in this bill will help this economic engine in southern Maine remain competitive and create new, good-paying jobs.

Finally, I am very proud of what this bill does for our Nation's veterans. Their service has earned them world-class health care and benefits, and Congress has a moral obligation to provide the best benefits possible.

□ 1440

This bill is an example of what happens when politics is put aside and veterans come first. I strongly support this rule which provides for consideration of this essential legislation.

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 Maine, for the time, and I yield myself such time as I may consume.

Each year Congress undertakes its duty to fund the government through what is commonly known as the appropriations process. The appropriations process usually begins with the consideration of a budget. The budget sets the parameters of congressional spending for the upcoming year, allowing the Appropriations Committee to begin assembling the 12 appropriations bills.

But for the first time since the Congressional Budget Act was passed in 1974, the House of Representatives has failed to even vote on a budget because of what some suspect may be an attempt by the majority to protect their Members from a vote that would increase what are already record budget deficits.

Yet the dysfunction does not end with the majority's abandonment of one of the most basic duties of governing. It continues today with the consideration of the first appropriations bill, the Fiscal Year 2010 Military Construction and Veterans Affairs and Related Agencies Appropriations Act.

Article I, section 9, clause 7 of the Constitution gives Congress the power of the purse. It says, ''No money shall be drawn from the treasury but in consequence of the appropriations made by law; and a regular statement of account of receipts and expenditures of all public money shall be published from time to time.''

The Congress' constitutional obligation under Article I, section 9, clause 7 has traditionally manifested itself in an open appropriations process. That process allows every Member of the House to propose any amendments—any amendments that are germane—to the 12 appropriations bills. That's the way it's been done, certainly since I've been here, and I know for decades and decades and generations before.

Yet, last year the majority decided to close down the deliberative process of the House on appropriations bills. I came to the floor to oppose that procedure last year, and I stated that I felt that the majority's decision to block debate on amendments from Members on both sides of the aisle was unnecessary and it was unfair, unjust. I thought it was a mistake. I said the majority would come to regret that mistake.

Today, on the very first appropriations bill of this year, the majority has once again decided to close down the appropriations process, and that's unfortunate. Last year we were told that the majority was taking this unprecedented step in order to move the appropriations bills to the Senate so that Congress could avoid an omnibus appropriations bill. What happened was just the opposite. Despite the fact that the Military Construction-VA bill did in fact pass both the House and the Senate, the Democratic leadership never allowed the bill to go to conference, and instead that MILCON-VA appropriations bill was wrapped up in an omnibus appropriations bill—contrary to the reasoning that had been given by the majority.

So what is this year's reason? I believe that it is so that the majority can again use a restrictive process on appropriations bills so the leadership, the majority leadership, has the ability to pick and choose which amendments the House will consider.

Although I strenuously disagree with the manner in which the majority leadership has decided to close the appropriations process once again, and in this case it has allowed only 14 out of 35 amendments, I do wish to congratulate my friends, Chairman CHET EDWARDS, Ranking Member ZACH WAMP and Mr. CRENSHAW for their bipartisan work on the underlying legislation that is undoubtedly very important.

We owe our military veterans and their families an extraordinary debt of gratitude for their service and their sacrifices as a people, not just as a Congress. I think we have to ensure that our veterans and their families, who bear sacrifices and hardships as well, receive all the benefits and assistance to which they are entitled and that they deserve.

The underlying legislation that has been agreed to, it has been drafted in a fair and bipartisan manner, provides crucial funding for military construction and for housing, for quality-of-life projects for our troops and their families.

The legislation includes a total of $141.1 billion in both mandatory and discretionary funding for these agencies. Of this, approximately $120 billion is dedicated to the Department of Veterans Affairs.

The underlying legislation continues our commitment to the brave men and women who sacrifice so much to keep the Nation safe, supporting our servicemembers on base, deployed abroad, and to care for them when they come home.

The Pentagon recognized two important projects to south Florida, which were included in the President's budget and received funding in the underlying legislation. This legislation provides $41 million to construct a permanent headquarters for Special Operations Command South. Currently Special Operations Command South is headquartered at Homestead Air Force Reserve Base. Headquarters personnel are supported by temporary, leased trailers. The trailers were not intended to support the headquarters mission beyond 3 years, and they require significant repairs for continued use.

The project in this legislation will consist of a command and control building with a secure compartmentalized information facility, sensitive items storage, standby generator, and general purpose administrative areas. It will include anti-terrorism measures to protect military personnel stationed there and will be able to withstand—and this is very important—a category 5 hurricane. And, Mr. Speaker, as you know in Homestead, we had a category 5 hurricane the year I was elected to Congress. Hopefully we won't see that again. But it's important that this facility be able to withstand such force.

I am pleased that this legislation also includes funding for construction of a new commissary to be located at the Southern Command Headquarters in Doral, in the congressional district that I am honored to represent. Construction of this commissary will greatly benefit the over 13,000 military personnel and retirees within 20 miles of SOUTHCOM and the thousands more beyond. It will greatly reduce the high cost of living in south Florida for these men and women, and it will improve their quality of life.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I am very pleased to yield 2 minutes to

the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of this bill. I especially want to thank Chairman EDWARDS and Ranking Member WAMP for providing the resources our Nation's veterans desperately need and for providing additional funding for FY2012. This advanced funding helps the VA avoid disruption of critical programs. We must take care of our brave men and women who serve this country, and this funding goes a long way to address many of their needs.

I also want to thank the chairman and ranking member for including report language on veterans' burial benefits. I am deeply concerned about the eroding value of the plot allowance and burial benefits provided to our Nation's veterans by the Department of Veterans Affairs. Because the benefits are not indexed to inflation, their value continues to diminish with each passing year. As a result, families and State veterans' cemeteries have been left to cover the increasing costs.

In FY09, the subcommittee included my report language urging the VA to assess the viability of increasing the plot allowance and burial benefits to cover the same percentage of veterans' burial benefits that they covered in 1973, when they were first initiated. The Department of Veterans Affairs has still not yet heeded our recommendations. I'm glad the subcommittee recognizes the importance of the issue and has again included the burial benefits report language.

□ 1450

However, we need to move on this, and I think having it included once again is a step in reminding the VA that this is an important issue.

This Congress I have reintroduced the Veterans' Burial Benefits Improvement Act, H.R. 4045. This bill would increase the plot allowance from $300 to $745 for the burial costs of veterans who are buried in a State veterans' cemetery or a private cemetery; increase burial allowance benefits from $2,000 to $4,100 for veterans who die as a result of service-connected injuries and are buried in a national cemetery; increase the burial allowance from $300 to $1,270 for a veteran who wishes to be buried in a national veterans' cemetery and whose cause of death is not service-connected.

I urge my colleagues to become a cosponsor of this important piece of legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my very good friend from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the gentleman for yielding.

I rise today to urge my colleagues to vote ''no'' on this rule.

I want to make it clear that I'm very much in favor of the underlying legislation, but this legislation is being brought to us today under a rule that will restrict our Members, both Democrats and Republicans, from offering amendments, having them considered.

I thought I would give you a little perspective because this bill has come to us this day through the regular order, a very open and fair process. Sixteen hearings took place. All the members of the subcommittee had an opportunity to ask questions and feel like they were being treated fairly, listened to their input. At the subcommittee level, six amendments were offered: four by the minority, two by the majority. They were all adopted unanimously in a bipartisan way. Then we went to the full committee, the full Appropriations Committee. At that point, eight amendments were offered, discussed, and they were adopted as well, in a bipartisan way, four from the Democrats, four from the Republicans.

Yet, when we got to the Rules Committee, that's where the fair and open process ran into a roadblock, the graveyard, if you will, because now we come to the floor with no longer a process where Members can stand up, offer amendments, maybe make a good bill even better, because this rule does not allow that.

I would think that at this time, when deficits are at record levels, when spending is more important to be looked at with a wise and efficient look, that we would allow Members to come to the floor and offer their input, but no, that's not the case.

So while the underlying legislation is very important and very good, I urge my colleagues to vote ''no'' and bring this back under an open rule and allow their participation.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to my good friend, Mr. BUYER from Indiana.

Mr. BUYER. Thank you very much.

I want to associate myself with the remarks of the gentleman from Florida (Mr. CRENSHAW).

When the majority went to this process to be restrictive here on the floor with regard to amendments on appropriations, that was really a dark day for liberty, and it's really very, very unfortunate. And I understand the Speaker wants to rule the House with a mighty hand and is utilizing the Rules Committee to make Congress an undemocratic institution. The American people are watching. They know that there's something going on in Washington, DC, that's not right. They don't completely understand all this process, but something they do know and understand and that's freedom and that's liberty.

So we're charged with this responsibility to care for those who wear the uniform who now have been injured not only in the workplace but also on the battlefield. But when it comes time then for us to have an open discussion and debate on how best to do that, freedoms are denied. Pretty weird, pretty strange, very peculiar.

As the ranking member of the Veterans Affairs Committee, I have three amendments that were made in order, but there are also two amendments that were not made in order. The first amendment that was not made in order would have transferred $230 million from the information technology system account to fund improvements in various other programs. In 2010, the VA conducted a major review of its major IT initiatives. Of over 300 programs that were reviewed, about 100 are still active or are in planning and about 100 are still being reviewed and about the other hundred have been stopped permanently or have been paused.

This amendment would have taken the $230 million in savings from this review and put $120 million toward deficit reduction and use the remaining $100 million to increase the following VA accounts: medical and prosthetic research by $50 million to fund further research into new innovative treatments, such as the hyperbaric oxygen therapy for TBI; prosthetic devices for female amputees who often have difficulties with the fit and size of the traditional prosthesis tailored to the male physique; and helmets that measure the G-force impact and protect our servicemembers from these blast injuries.

Also, with regard to the VBA general operating account, increase it by $2 million for VA to conduct an authorized longitudinal study for the VRE participants to assess the effectiveness of the program. Also, then increase the VHA medical services account by $48 million; $30 million to improve VA's suicide prevention programs, including $100 million for the national broadcast suicide prevention advertising campaign; $10 million for the VA to improve its services for homeless women veterans and homeless veterans with children; and $8 million for innovative treatments for TBI and mental health.

Does that sound radical? That was made not in order. It is hard. That was not made in order. And so, okay, why? I don't know. The Rules Committee didn't give me an answer. That should have been made in order. That's something that should have been discussed.

We have had a challenge here with regard to the IT systems at the VA, and I leave here in 6 months and the appropriators and the authorizers are going to have a real challenge here, especially as you go forward.

Now, fortunately once we centralize the IT architecture you've got a really good—Roger Baker as the chief information officer, very talented individual, doing assessments. The Secretary's Shinseki. He gets it, he understands it. He's doing this review. But when you take down projects, and we've got those moneys, we can make judgments and choices with regard to how to use some of those dollars, and that's what we sought to do here, and that amendment should, in fact, have

been made in order, and it's really unfortunate.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. BUYER. There is another amendment, and I know, Mr. Speaker, my good friend, Chairman EDWARDS, had some concerns about one of the amendments that, in fact, was made in order, and I understand, and we can have a colloquy and we can get into that because I know you agree with what we're doing. Mr. Speaker, I believe that Chairman EDWARDS agrees with the initiatives in working with—I guess we can call them green initiatives, green management initiatives, but it's the renewable energy portfolio that's being done down at the VA.

And it's really this advance appropriation is making it hard on how we move moneys between accounts, at the same time, what type of amendments can be brought to the floor. I mean, I tried to do this a couple of years ago, and the parliamentarian knocked an amendment out. And so I wanted to raise this issue on the floor that we have about 60 projects out there, around $162 million, and we've got to figure out how to best fund these, and I will get into that with the Speaker later.

My intention is not to offer that amendment that has been authorized to offer, and I will work this out with Chairman EDWARDS. But I'm going to ask to oppose the rule, even though I compliment the good work the committee has done. But we need an open process.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 5 minutes to my friend, the distinguished ranking member of the Rules Committee, Mr. DREIER from California.

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

□ 1500

Mr. DREIER. Mr. Speaker, I thank my friend from Miami for his very thoughtful remarks in his opening statement in which he talked about the greatness of this bill.

This is a bipartisan bill, as has been pointed out by Mr. CRENSHAW, as has been pointed out by Mr. BUYER. Democrats and Republicans alike have come together because, obviously, if we don't take care of our Nation's veterans, how are we going to incent our fellow Americans to join the armed services?

When commitments are made to them, they need to be kept. We all want to do everything we can for the brave men and women who have fought on behalf and served on behalf of the United States of America.

Obviously, I am here with a degree of sadness. I wasn't here for the exchange that took place when our friend, Mr. FLAKE, was here, but I have been told that my good friend from North Haven, who is managing this rule for the majority, indicated that if we had had an open amendment process, we would be allowing partisan obstructionism or something along that line to take place.

Mr. Speaker, it's very interesting that we have made what I consider to be rather sad history in this place. My friend from North Haven is a new Member of this institution and has not once, in her 18 months as a Member of the United States House of Representatives, been able to witness or participate in a bill being debated under an open amendment process.

I have got to say that until it is tried, I would say to my friend, Mr. Speaker, until it's tried, I would think that the notion of passing judgment on the problems of an open rule should really not be brought forward.

I will tell you that it is clear that an open amendment process is messier and uglier and more difficult than having everything shut down, but that's really what the framers of our Constitution wanted. They wanted there to be a free-flowing discussion. I just listened to Mr. BUYER a few minutes ago talking about the green initiative, and he wanted to engage in a colloquy with Chairman EDWARDS about this.

The fact is, when we get into an open amendment process, which, by the way, was done for every single year up until last year for almost all appropriations bills—in fact, virtually every appropriations bill has begun under an open amendment process. Then, if a bipartisan consensus and agreement cannot be struck to bring about some kind of limitation of debate between the chairman of the subcommittee and the ranking member, the Rules Committee has, on occasion, been called on. But the difficulty here for me to understand, Mr. Speaker, is that we are not even beginning with even a modicum of regular order.

Yesterday, in the Rules Committee, I talked about William Natcher, who was a great Member of this institution and served for a period of time as chairman of the Appropriations Committee. Two decades ago, when I joined the Rules Committee, I discussed the appropriations process with Chairman Natcher. He was probably best known—well, he was known for lots of accomplishments, probably best known as the only human being to go, for all the years that he served here, without missing a single vote. In fact, he gave me advice when I got here. He said, Make a speech in the well and miss a vote. This guy never missed a vote, and he was bound to that.

But one of the things that he was was a great institutionalist, and he understood what regular order consisted of. He believed that since appropriations bills are considered to be privileged resolutions, that those measures didn't have to go upstairs through the Rules Committee. They, instead, could come directly to the House floor. By virtue of doing that, it would mean that legislating an appropriations bill could be stricken by a point of order that a Member would raise, but he believed that that was the best way to do that.

Well, we moved away from that, and he said he didn't think that it was a wise thing. But we moved to the point where the Rules Committee would say, gosh, if there are items in an appropriations bill that consisted of things like legislation, there was an agreement with the authorizing committee that the Rules Committee would protect those. It was understood and done pretty much with bipartisan consensus.

But then Democrats and Republicans, alike, would be able to, under that sacrosanct appropriations process, offer germane amendments to the appropriations bill. Now we have gotten to the point, again, and for the first time in the history of the Republic, of shutting down the appropriations process, limiting the opportunities for Members to offer amendments.

While this is a very, very, very good and a critically important bill which virtually all of us will support at the end of the day, it's not the right way to do it. Process is substance. The American people learned that very clearly when we had the 300-page amendment dropped on us up in the Rules Committee at 3 o'clock in the morning, that, in fact, said that we had just a few hours to look at that measure before it was to be debated on the House floor.

The SPEAKER pro tempore (Mr. CUELLAR). The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 30 additional seconds.

Mr. DREIER. Let me just close by saying that it's very, very important for us to recognize that process is substance. The American people get that. They understand that we are preventing their voice, Democrat and Republican alike, from being heard in this appropriations process.

It is wrong, and I hope very much that as we move through the appropriations process this year we will get back through to regular order. I certainly hope that beginning next year, when a new appropriations process will begin, that we will have the kind of open amendment process that the American people expect and, through their elected representatives, deserve.

Ms. PINGREE of Maine. Mr. Speaker, I thank my colleagues on the other side of the aisle, and I appreciate the words of my colleague and far more experienced Member from California. Thank you very much.

I take your criticism that perhaps, although you didn't hear my words earlier today, that had I been here for the amount of time that you had or had the previous experience, I wouldn't have said exactly what I said about the political posturing that could go on under an open rule.

You are right, 18 months I have been here. I have never had any experience in this legislative body about the process of which of you speak. So, far be it from me to say what the differences were from then until today, but I will say a little bit about my own experience.

I have the good fortune of sitting on the Rules Committee, and perhaps some day, if I am here long enough, and I move my way up the chairs and I am the ranking member or the chair, I will want to advocate for doing things differently. But I only know the experience that I have had up to today, Mr. Speaker, as a member of the Rules Committee.

Now, I see frequent meetings of the Rules Committee. I see a tremendous number of amendments come before us. As my fellow members well know, Mr. Speaker, we often spend hours listening to potential amendments that could be heard here on the floor. I think this afternoon we will have the pleasure of joining the other members of the Rules Committee, Mr. Speaker, and hearing 120 or more amendments to the next potential appropriation bill that could come to the floor.

I hear lively debate. I have been there to submit amendments. Sometimes they are accepted; sometimes they are not. I see amendments come to the floor that I agree with and I disagree with. So I see a lot of back-and-forth about the number of amendments. Perhaps it's not an open rule. You are right, I have never had the experience of an open rule here in this Chamber, but I have also had the experience of a tremendous number of amendments, some of which are politically motivated, some of which could take up a tremendous amount of our time, and I feel that generally the Rules Committee pares down the number of amendments to a reasonable number from each side, probably more for the majority than the minority, and I am sure that happened when the other party was in control, too.

But the fact is, I hear a lot of lively debate. I have only the experiences that I have had, and I can't defend what might have happened in the past or what may happen in the future.

Mr. DREIER. Would the gentlewoman yield, very briefly?

Ms. PINGREE of Maine. I yield to the gentleman.

Mr. DREIER. I thank the gentlewoman for yielding.

I would say to my friend that she is absolutely right, having this 18-month experience.

The fact is, if the Rules Committee were to follow regular order and report out open rules, the meetings upstairs would last a grand total of 5 minutes because we would have the chairman and the ranking member of the subcommittee come forward, say we have got this bill, we have an open amendment process, any Member can stand up on the House floor and offer a germane amendment to the measure. It is considered under the 5-minute rule. We would end the meeting upstairs and we would allow the House to work its will, which is, again, what was done up until last year when we had this shut down for the first time.

Ms. PINGREE of Maine. I thank my friend for those words.

I happen to enjoy many of the meetings we have when we have the time consider both sides, the rules on both sides and the opportunities for what discussion will come to the floor. I appreciate being a member of the Rules Committee and being a part of that filtering process. I don't know if the process will change in the future, but I will say today we have a goodly number of amendments that will be considered on this.

From my perspective, the most important thing that we are doing today is moving forward on this rule, which I hope will pass with a great majority, and moving forward to the consideration of this bill which, I will remind my colleagues, holds a tremendous amount of benefit for our home communities and our veterans, and that is actually why we are here today.

I wouldn't want to see extensive consideration of so many amendments that we never got to the point of what people asked us to do. In this case, it's taking care of our veterans and making sure that they get the services that they deserve after they have served our country.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Nebraska (Mr. TERRY).

□ 1510

Mr. TERRY. Mr. Speaker, I must rise in opposition to this closed, or partially closed, rule.

Thirty-four amendments is not overwhelming. Back just a couple years ago, heck, we would have double or triple that many on an open rule. And it really saddens me to hear that if something will take time to debate or it's controversial, that we are not going to allow it on the floor anymore. Mr. Speaker, democracy isn't supposed to be easy; dictatorships are.

Now, I will rise in support of the underlying bill because I'm going to stand with our men and women in uniform, whether it's current or retired; those are our veterans.

This bill does a great deal of good for Offutt Air Force base, the Bellevue/Omaha area, for our veterans. One of the most significant is $56 million for the design of a new VA inpatient hospital facility for that entire regional area. The current facility was built 60 years ago. It is dilapidated to the point where it is no longer even safe, let alone meets the appropriate standards. So I am proud that the VA has decided and agrees with the entire congressional delegation and the community that this inpatient facility must be replaced and we begin that process.

The second has been a vision of our veterans community. There is no national veterans cemetery within the area of eastern Nebraska, western Iowa, northwest Missouri. The previous administration realized that the rule that was applied needed to be changed, and that was under Secretary Peake, and continued under the current administration—and I want to thank General Shinseki and this administration for following through—in rightfully determining that the service area for a veterans cemetery was actually 112,000 veterans that could be served. By doing that, that shot the eastern Nebraska, Omaha area to the top of the list. And so inside this bill is the appropriation to start the design and purchase of land of a new national veterans cemetery in the Omaha/Bellevue area. That has been a labor of love that started with a small group of veterans in my office just a few years ago, and now I get to see it come to reality.

The last is specific to Offutt Air Force Base. It makes a reference in the MILCON provisions that the new STRATCOM headquarters will begin construction in 2012 and that the costs need to be borne throughout all of the branches and the DOD. This is important for the community and the psyche of the Offutt Air Force Base community.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 30 additional seconds.

Mr. TERRY. I want to point out, in conclusion, that these are based on the merits of the project—the need for the hospital, the veterans cemetery, and the need for the headquarters. These aren't earmarks; these are things that are determined by merit by the VA and the Department of Defense. And I want to go on record as the Representative of this area in complete support of this bill and those projects.

Ms. PINGREE of Maine. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman from Florida.

My amendment that was proposed to the Rules Committee is one of those that's been denied under this very closed rule.

This appropriation bill does much to honor our Nation's commitment to veterans who have sacrificed for our freedoms, but I'm concerned that our own government is unfairly taking away freedom from those veterans.

Many Americans should be shocked to learn that an outrageous Department of Veterans Affairs process is arbitrarily stripping the Second Amendment rights of veterans and their families who simply receive assistance managing their financial affairs. I offered an amendment to reform the VA practice that wrongly denies gun ownership rights to veterans. Despite the

support for this change by a number of veterans organizations, like the American Legion, as well as the National Rifle Association, I am disappointed that the majority did not allow my amendment to go forward and be heard and offered on the floor today.

Federal law prohibits certain individuals from possessing firearms because they pose a danger to society or themselves, such as convicted felons, illegal aliens, and those who are adjudicated mentally ill. The Brady Act requires the FBI to maintain a database of these individuals called the National Instant Criminal Background Check System which prevents them from purchasing firearms.

Over the past 10 years, the VA has sent names of over 100,000 veterans, their spouses, and their children to the FBI, not because they pose any danger, but simply because the VA determined they could not handle their VA benefits. The VA appoints fiduciaries to help veterans who, for example, have a credit problem or who cannot manage their financial affairs due to health reasons.

The VA's review process for assigning a fiduciary only examines a veteran's financial responsibility and does not look at whether the veteran is a danger to himself or others. But when veterans are appointed fiduciaries, the VA automatically deems them as ''mentally defective'' and forwards their names to the FBI. Without so much as a hearing, these veterans are then prohibited by law from purchasing firearms. By comparison, the Social Security Administration has assisted over 5 million beneficiaries with their finances, but the Social Security Administration does not send those names to the FBI.

It is wrong to take away any veteran's constitutional right to keep and bear arms simply because they cannot manage their financial affairs. My amendment would have ended this unjust practice. The amendment would have required that before the VA can forward the veteran's name to the FBI, an appropriate judicial authority must rule that the veteran poses a danger to himself or to others should he own a firearm.

I am disappointed my amendment was denied, and as a result veterans will continue to be denied their due process and constitutional rights. I encourage my colleagues to support legislation that I and the gentleman from Texas have introduced called the Veterans Second Amendment Protection Act, H.R. 2547, to correct this wrong and restore gun rights to our country's veterans.

Ms. PINGREE of Maine. I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to a brilliant new Member of this House from Hawaii (Mr. DJOU).

Mr. DJOU. I thank my colleague from Florida.

Mr. Speaker, thank you for giving me the opportunity to express my disappointment that my amendment was not allowed to be submitted to this body. I specifically wanted to highlight my amendment, which was asking to restore funding for the relocation of American forces away from Okinawa to Guam, as requested by President Obama. I think it is a major mistake that this body is not going to support the President's request for the relocation of American forces.

As a member of the Armed Services Committee and a Member who represents a large portion of the Pacific fleet in Hawaii, I support restoring funds for construction to further the realignment of Marine Corps forces from Okinawa to Guam in H.R. 5822. The committee reduced the appropriation request submitted by the President by 50 percent.

The Guam realignment will be one of the largest moves of military forces in decades. The postponement of construction of necessary military facilities and infrastructure will cause unnecessary delay and threaten our geopolitical positioning in the Asia-Pacific region.

My amendment was also completely offset by reallocating funds from military construction requests that were put above what President Obama had asked for. Mr. Speaker and Members, I want to highlight to this body that right now, as all of us talk, 2 days ago, the United States Armed Forces began the largest war game operations in the Korean peninsula in the Yellow Sea since the end of the Cold War. The reason we entered these war game operations is because of the instability that continues to unfortunately exist in East Asia and the Korean peninsula.

By failing to support the President in allocating sufficient funding to establish new force location in Guam, over the short term we might be okay; but over the long term, this is a major geopolitical mistake that this Congress is making. I hope that Congress reconsiders and I hope the Senate re-examines this. I am disappointed I was unable to offer this amendment on this very important and serious matter.

Ms. PINGREE of Maine. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, the passage of this rule is a vital step towards improving our military infrastructure and ensuring that the quality of care for our veterans and their families is worthy of their sacrifice.

My home State has one of the highest populations of veterans per capita in the country. In a State of 1.3 million people, Maine is home to over 155,000 veterans.

□ 1520

These men and women have served without question, without politics and without hesitation. We must make a promise to them and to all of our veterans that we will do the same. We must provide them with the health care and the benefits that they deserve—without question, without politics, and without hesitation. By passing H.R. 5822, we will begin to keep that promise.

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

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

The previous question was ordered.

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.

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 of rule XX, this 15-minute vote on adoption of House Resolution 1559 will be followed by 5-minute votes on motions to suspend the rules with regard to:

H.R. 4692, by the yeas and nays;

H. Res. 1543, by the yeas and nays; and

H.R. 5827, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 243, nays 178, not voting 11, as follows:

[Roll No. 476]

YEAS—243

Ackerman
Adler (NJ)
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
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
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
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
Lipinski
Loebsack
Lofgren, Zoe
Lowey
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
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
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
Sires
Skelton
Slaughter
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
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NAYS—178

Aderholt
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
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
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
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
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
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
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—11

Akin
Andrews
Fallin
Hoekstra
Lewis (GA)
Smith (TX)
Tiahrt
Wamp
Watson
Woolsey
Young (FL)

□ 1550

Messrs. MCCLINTOCK, GERLACH, and POSEY changed their vote from ''yea'' to ''nay.''

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.

NATIONAL MANUFACTURING STRATEGY ACT OF 2010

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4692) to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 38, not voting 15, as follows:

[Roll No. 477]

YEAS—379

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
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 (NY)
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)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
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)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
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
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—38

Bachmann
Barrett (SC)
Bartlett
Broun (GA)
Burton (IN)
Campbell
Carter
Chaffetz
Conaway
Djou
Flake
Franks (AZ)
Gohmert
Graves (GA)
Hensarling
Herger
Inglis
King (IA)
Kingston
Linder
Mack
McClintock
Miller (FL)
Myrick
Nunes
Paul
Pence
Poe (TX)
Price (GA)
Rohrabacher
Rooney
Royce
Shadegg
Smith (NE)
Stearns
Thornberry
Westmoreland
Young (AK)

NOT VOTING—15

Akin	Fallin	Neugebauer
Andrews	Gordon (TN)	Tiahrt
Bishop (NY)	Hoekstra	Wamp
Costello	Lewis (GA)	Watson
Culberson	Moore (WI)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1600

Messrs. BURTON of Indiana, ROYCE and ROHRABACHER changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING DR. JANE GOODALL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1543) honoring the educational significance of Dr. Jane Goodall's work on this the 50th anniversary of the beginning of her work in Tanzania, Africa, 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 gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 478]

YEAS—416

Ackerman	Boyd	Coffman (CO)
Aderholt	Brady (PA)	Cohen
Adler (NJ)	Brady (TX)	Cole
Alexander	Braley (IA)	Conaway
Altmire	Bright	Connolly (VA)
Arcuri	Broun (GA)	Conyers
Austria	Brown (SC)	Cooper
Baca	Brown, Corrine	Costa
Bachmann	Brown-Waite, Ginny	Costello
Bachus	Buchanan	Courtney
Baird	Burgess	Crenshaw
Baldwin	Burton (IN)	Critz
Barrett (SC)	Butterfield	Crowley
Barrow	Calvert	Cuellar
Bartlett	Camp	Culberson
Barton (TX)	Campbell	Cummings
Bean	Cantor	Dahlkemper
Becerra	Cao	Davis (AL)
Berkley	Capito	Davis (CA)
Berman	Capps	Davis (IL)
Berry	Capuano	Davis (KY)
Biggert	Cardoza	Davis (TN)
Bilbray	Carnahan	DeFazio
Bilirakis	Carney	DeGette
Bishop (GA)	Carson (IN)	Delahunt
Bishop (NY)	Carter	DeLauro
Bishop (UT)	Cassidy	Dent
Blackburn	Castle	Deutch
Blumenauer	Castor (FL)	Diaz-Balart, L.
Blunt	Chaffetz	Diaz-Balart, M.
Boccieri	Chandler	Dicks
Boehner	Childers	Dingell
Bonner	Chu	Djou
Bono Mack	Clarke	Doggett
Boozman	Clay	Donnelly (IN)
Boren	Cleaver	Doyle
Boswell	Clyburn	Dreier
Boucher	Coble	Driehaus
Boustany		Duncan

Edwards (MD)	Kucinich	Pomeroy
Edwards (TX)	Lamborn	Posey
Ehlers	Lance	Price (GA)
Ellison	Langevin	Price (NC)
Ellsworth	Larsen (WA)	Putnam
Emerson	Larson (CT)	Quigley
Engel	Latham	Radanovich
Eshoo	LaTourette	Rahall
Etheridge	Latta	Rangel
Farr	Lee (CA)	Rehberg
Fattah	Lee (NY)	Reichert
Filner	Levin	Reyes
Flake	Lewis (CA)	Richardson
Fleming	Linder	Rodriguez
Forbes	Lipinski	Roe (TN)
Fortenberry	LoBiondo	Rogers (AL)
Foster	Loebsack	Rogers (KY)
Foxx	Lowey	Rogers (MI)
Frank (MA)	Lucas	Rohrabacher
Franks (AZ)	Luetkemeyer	Rooney
Frelinghuysen	Luján	Ros-Lehtinen
Fudge	Lummis	Roskam
Gallegly	Lungren, Daniel E.	Ross
Garamendi	Lynch	Rothman (NJ)
Garrett (NJ)	Mack	Roybal-Allard
Gerlach	Maffei	Royce
Giffords	Maloney	Ruppersberger
Gingrey (GA)	Manzullo	Rush
Gohmert	Marchant	Ryan (OH)
Gonzalez	Markey (CO)	Ryan (WI)
Goodlatte	Markey (MA)	Salazar
Gordon (TN)	Marshall	Sánchez, Linda T.
Granger	Matheson	Sarbanes
Graves (GA)	Matsui	Scalise
Graves (MO)	McCarthy (CA)	Schakowsky
Grayson	McCarthy (NY)	Schauer
Green, Al	McCaul	Schiff
Green, Gene	McClintock	Schmidt
Griffith	McCollum	Schock
Grijalva	McCotter	Schrader
Guthrie	McDermott	Schwartz
Gutierrez	McGovern	Scott (VA)
Hall (NY)	McHenry	Sensenbrenner
Hall (TX)	McIntyre	Serrano
Halvorson	McKeon	Sessions
Hare	McMahon	Sestak
Harman	McMorris Rodgers	Shadegg
Harper	McNerney	Shea-Porter
Hastings (FL)	Meek (FL)	Sherman
Hastings (WA)	Meeks (NY)	Shimkus
Heinrich	Melancon	Shuler
Heller	Mica	Shuster
Hensarling	Michaud	Simpson
Herger	Miller (FL)	Sires
Herseth Sandlin	Miller (MI)	Skelton
Higgins	Miller (NC)	Slaughter
Hill	Miller, Gary	Smith (NE)
Himes	Miller, George	Smith (NJ)
Hinchey	Minnick	Smith (TX)
Hinojosa	Mitchell	Smith (WA)
Hirono	Mollohan	Snyder
Hodes	Moore (KS)	Space
Holden	Moore (WI)	Speier
Holt	Moran (KS)	Spratt
Honda	Moran (VA)	Stark
Hoyer	Murphy (CT)	Stearns
Hunter	Murphy (NY)	Stupak
Inglis	Murphy, Patrick	Sullivan
Inslee	Murphy, Tim	Sutton
Israel	Myrick	Tanner
Issa	Nadler (NY)	Taylor
Jackson (IL)	Napolitano	Teague
Jackson Lee (TX)	Neal (MA)	Terry
Jenkins	Nunes	Thompson (CA)
Johnson (GA)	Nye	Thompson (MS)
Johnson (IL)	Oberstar	Thompson (PA)
Johnson, E. B.	Olson	Thornberry
Johnson, Sam	Olver	Tiberi
Jones	Ortiz	Tierney
Jordan (OH)	Owens	Titus
Kagen	Pallone	Tonko
Kanjorski	Pascrell	Tsongas
Kaptur	Pastor (AZ)	Turner
Kennedy	Paul	Upton
Kildee	Paulsen	Van Hollen
Kilpatrick (MI)	Payne	Velázquez
Kilroy	Pence	Visclosky
Kind	Perlmutter	Walden
King (IA)	Perriello	Walz
King (NY)	Peters	Wasserman Schultz
Kingston	Peterson	Waters
Kirk	Petri	Watt
Kirkpatrick (AZ)	Pingree (ME)	Waxman
Kissell	Pitts	Weiner
Klein (FL)	Platts	Welch
Kline (MN)	Poe (TX)	Westmoreland
Kosmas	Polis (CO)	Whitfield
Kratovil		

Wilson (OH)	Wolf	Yarmuth
Wilson (SC)	Woolsey	Young (AK)
Wittman	Wu	

NOT VOTING—16

Akin	Lofgren, Zoe	Towns
Andrews	Neugebauer	Wamp
Buyer	Obey	Watson
Fallin	Sanchez, Loretta	Young (FL)
Hoekstra	Scott (GA)	
Lewis (GA)	Tiahrt	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1608

Mrs. NAPOLITANO changed her vote from ''nay'' to ''yea.''

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.

PROTECTING GUN OWNERS IN BANKRUPTCY ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5827) to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 307, nays 113, not voting 12, as follows:

[Roll No. 479]

YEAS—307

Aderholt	Bright	Costello
Adler (NJ)	Broun (GA)	Courtney
Alexander	Brown (SC)	Crenshaw
Altmire	Brown-Waite, Ginny	Critz
Arcuri	Buchanan	Cuellar
Austria	Burgess	Culberson
Baca	Burton (IN)	Dahlkemper
Bachmann	Buyer	Davis (AL)
Bachus	Calvert	Davis (KY)
Barrett (SC)	Camp	Davis (TN)
Barrow	Campbell	DeFazio
Bartlett	Cantor	Dent
Barton (TX)	Cao	Diaz-Balart, L.
Bean	Capito	Diaz-Balart, M.
Berkley	Cardoza	Dicks
Biggert	Carnahan	Dingell
Bilbray	Carney	Doggett
Bilirakis	Carson (IN)	Donnelly (IN)
Bishop (GA)	Carter	Dreier
Bishop (UT)	Cassidy	Driehaus
Blackburn	Castle	Duncan
Blunt	Chaffetz	Edwards (TX)
Boccieri	Chandler	Ehlers
Boehner	Childers	Ellsworth
Bonner	Clyburn	Emerson
Bono Mack	Coble	Etheridge
Boozman	Coffman (CO)	Flake
Boren	Cole	Fleming
Boswell	Conaway	Forbes
Boucher	Connolly (VA)	Fortenberry
Boustany	Conyers	Foster
Boyd	Cooper	Foxx
Brady (TX)	Costa	Franks (AZ)
Braley (IA)		Frelinghuysen

Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Holden
Hoyer
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Titus
Turner
Upton
Walden
Walz
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)

NAYS—113

Ackerman
Baird
Baldwin
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Castor (FL)
Chu
Clarke
Clay
Cleaver
Cohen
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutch
Djou
Doyle
Edwards (MD)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Himes
Hirono
Holt
Honda
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kennedy
Kilpatrick (MI)
Kilroy
Klein (FL)
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Meeks (NY)
Miller, George
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Olver
Pallone
Payne
Price (NC)
Quigley
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Woolsey
Yarmuth

NOT VOTING—12

Akin
Andrews
Fallin
Gingrey (GA)
Hall (TX)
Hoekstra
Lewis (GA)
Neugebauer
Tiahrt
Wamp
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1617

Ms. KILPATRICK of Michigan, Messrs. JACKSON of Illinois and TONKO changed their votes from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Madam Speaker, on July 28, 2010, I was absent from the House and missed rollcall votes 476, 477, 478, and 479.

Had I been present, I would have voted "no" on rollcall 476; "yes" on rollcall 477; "yes" on rollcall 478; and "yes" on rollcall 479.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 1548

Mr. SABLAN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. RES. 1548.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

GENERAL LEAVE

Mr. EDWARDS of Texas. 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. 5822.

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

There was no objection.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1559 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. 5822.

□ 1618

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. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, with Ms. EDWARDS of Maryland 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.

The gentleman from Texas (Mr. EDWARDS) and the gentleman from Florida (Mr. CRENSHAW) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. EDWARDS of Texas. Madam Chair, I yield myself such time as I may consume.

Madam Chair, it's a privilege for me to present the fiscal year 2011 Military Construction and Veterans Affairs appropriations bill. I believe this bill and the work we have done since January of 2007 is a work all of us can be very proud of.

In this time of war, we have continued our tradition of a bipartisan Military Construction and Veterans Affairs appropriation bill. It has honored in a meaningful way the service and sacrifice of our servicemen and -women, our veterans and their families.

With passage of this fiscal year 2011 bill, the Congress will have increased veterans health care and benefits funding by 70 percent in the last 3½ years. In addition, we have funded a new 21st century GI education bill that 510,000 servicemen and -women, veterans, and military children have used to further their education. This is an unprecedented increase in Congress' commitment to veterans.

In our book, our veterans have earned every dime of this funding. We have, among other things, increased by 10,200 the number of permanent claims processors in the VA to reduce VA case backlogs, provided an additional 145 community-based outpatient clinics, built 92 new vet centers. This bill will add 30 mobile vet centers to serve rural communities. It allowed the Veterans Health Administration to hire an additional 18,000 new doctors and nurses.

These resources mean that our veterans have better access to the health care they need and deserve, including improved access in rural areas, increased access for VA health care for low- and middle-income vets. Additionally, these resources ensure that our veterans receive, on a more timely basis, the services and benefits that they have earned.

We have also worked hard to make sure that our military knows that the Congress respects the sacrifices that they and their families have made each and every day to keep our great Nation safe. We have heard time and time again in testimony that the best support we can give our military when

they are deployed is the knowledge that their families are cared for here at home.

We have listened and funded initiatives, such as:

$2.8 billion for new military hospitals so servicemen and -women know that their families will get the best possible health care in high quality facilities;

New child care centers to serve 20,000 military children;

Over $500 million in additional funding for barracks, because Congress needs to show our volunteer forces from day one that we respect and honor their decision to serve.

The Subcommittee for Military Construction and Veterans Affairs did not accomplish this alone. There are several key leaders that have worked tirelessly behind the scenes to support our efforts.

Speaker PELOSI promised our veterans that they would be a top priority for her, and the fact is she has more than honored that promise. Her fingerprints are on every bill that has provided for our military and veterans in the past 3½ years through our subcommittee, and I thank her for her leadership in these efforts.

Also, we would not have seen the historic funding increases that I have just highlighted were it not for the dedicated support of Chairman DAVE OBEY, who, in my book, is the unsung hero of America's veterans.

I must also salute, and want to salute, the VA Committee chairman, BOB FILNER, for his strong leadership every day on behalf of America's veterans. He has truly made a difference.

Lastly, but definitely not least, our ranking member, Mr. WAMP of Tennessee, has been a vital partner in putting together this bill, and last year's bill as well. Mr. WAMP has a genuine heart for America's servicemen and -women and our veterans, and he has championed their cause. It has been a privilege to work with him, and also with ANDER CRENSHAW, who has filled in when Mr. WAMP could not be with us in some of our deliberations this year. Mr. CRENSHAW has truly been a partner every step of the way in putting together this bipartisan bill, and I thank him for that.

I also thank Mr. FARR on the Democratic side, the vice chairman of our subcommittee, who has done an outstanding job for our veterans and our military.

Madam Chair, I would like to highlight several key initiatives in this bill.

First, this bill continues an initiative begun last year to provide advance appropriation for VA medical care. This will allow the VA to invest taxpayer dollars more effectively and efficiently, and it is a top priority of America's veterans' service organizations.

Second, we provide $190 million to new troop housing for Army trainees, over 60,000 of whom are presently living in barracks that don't even meet minimum DOD standards. Our 18- and 19-year-old military recruits don't have many lobbyists running around the halls of Capitol Hill, but they deserve our Nation's respect and support for their decision to serve in our military during a time of war.

Third, we provide $200 million for a Guard and Reserve construction initiative, recognizing the vital role these troops are playing in Iraq and Afghanistan.

Fourth, the bill provides $1.3 billion in emergency appropriations for military construction of facilities in support of our military operations in Afghanistan.

Fifth, recognizing the mental wounds of war can sometimes be more painful and long lasting than the physical wounds of combat, we provide $5.2 billion for the VA to continue its improvements in PTSD and mental health care for America's veterans.

Sixth, this bill includes funding for 4,048 new permanent VA claims processors in order to help veterans receive their earned benefits on a more timely basis.

The seventh initiative I would highlight, this bill also continues to open up VA medical care to more middle- and low-income veterans by 292,000, the number of veterans receiving health care since reopening enrollment in 2009.

Finally, we want to ensure that historic increases in funding for the VA are spent wisely. To increase oversight of the taxpayers' dollars, we provide an additional $6 million to VA's Office of Inspector General.

Madam Chair, I am going to skip over some of the numbers that we have in this bill, but I would be remiss if I did not thank the committee staff, very professional committee staff, a very dedicated committee staff, for their hard work and long hours during this process: the minority staff, led by Martin Delgado, Liz Dawson and Kelly Shea; and Erin Fogleman and Gilbert DMeza from Mr. WAMP's staff; and the majority staff led by Subcommittee Clerk Tim Peterson, Mary Arnold, Walter Hearne, Sue Quantius and Todd Friedman and Michelle Dominguez on my staff. They don't get public credit for the work, but the work of this bill would not have been done had it not been for their professionalism, and I thank each of them personally.

In conclusion, this bill keeps our promise to our veterans. That is what the Paralyzed Veterans of America, AMVETS, Disabled American Veterans, and Veterans of Foreign Wars have said. In fact, they state, ''We offer our strong support for the FY 2011 Military Construction and Veterans Affairs appropriations bill and we hope that the House will quickly pass this critical legislation.''

This bill sends a clear message to America's servicemen and -women, their families, and our veterans. We appreciate and respect their service and sacrifice.

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2011 (H.R. 5822)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE					
Military construction, Army	3,719,419	4,078,798	4,051,512	+332,093	-27,286
Military construction, Navy and Marine Corps	3,769,003	3,879,104	3,587,376	-181,627	-291,728
Military construction, Air Force	1,450,426	1,311,385	1,276,385	-174,041	-35,000
Rescission	-37,500	---	---	+37,500	---
Total	1,412,926	1,311,385	1,276,385	-136,541	-35,000
Military construction, Defense-Wide	3,093,679	3,118,062	2,999,612	-94,067	-118,450
Rescission	-151,160	---	---	+151,160	---
Total	2,942,519	3,118,062	2,999,612	+57,093	-118,450
Total, Active components	11,843,867	12,387,349	11,914,885	+71,018	-472,464
Military construction, Army National Guard	582,056	873,664	1,020,228	+438,172	+146,564
Military construction, Air National Guard	371,226	176,986	292,386	-78,840	+115,400
Military construction, Army Reserve	431,566	318,175	358,325	-73,241	+40,150
Military construction, Navy Reserve	125,874	61,557	91,557	-34,317	+30,000
Military construction, Air Force Reserve	112,269	7,832	48,182	-64,087	+40,350
Total, Reserve components	1,622,991	1,438,214	1,810,678	+187,687	+372,464
Total, Military construction	13,466,858	13,825,563	13,725,563	+258,705	-100,000
Appropriations	(13,655,518)	(13,825,563)	(13,725,563)	(+70,045)	(-100,000)
Rescissions	(-188,660)	---	---	(+188,660)	---
Emergency appropriations	---	---	---	---	---
North Atlantic Treaty Organization Security Investment Program	197,414	258,884	258,884	+61,470	---
Family housing construction, Army	273,236	92,369	92,369	-180,867	---
Family housing operation and maintenance, Army	523,418	518,140	518,140	-5,278	---
Family housing construction, Navy and Marine Corps	146,569	186,444	186,444	+39,875	---
Family housing operation and maintenance, Navy and Marine Corps	368,540	366,346	366,346	-2,194	---
Family housing construction, Air Force	66,101	78,025	78,025	+11,924	---
Family housing operation and maintenance, Air Force	502,936	513,792	513,792	+10,856	---
Family housing construction, Defense-Wide	2,859	---	---	-2,859	---
Family housing operation and maintenance, Defense-Wide	49,214	50,464	50,464	+1,250	---
Department of Defense Family Housing Improvement Fund	2,600	1,096	1,096	-1,504	---
Homeowners assistance fund	323,225	16,515	16,515	-306,710	---
Total, Family housing	2,258,698	1,823,191	1,823,191	-435,507	---
Appropriations	(2,258,698)	(1,823,191)	(1,823,191)	(-435,507)	---
Rescissions	---	---	---	---	---
Emergency appropriations	---	---	---	---	---
Chemical demilitarization construction, Defense-Wide	151,541	124,971	124,971	-26,570	---
Base realignment and closure:					
Base realignment and closure account, 1990	496,768	360,474	460,474	-36,294	+100,000
Base realignment and closure account, 2005	7,455,498	2,354,285	2,354,285	-5,101,213	---
Total	7,455,498	2,354,285	2,354,285	-5,101,213	---
Total, Base realignment and closure	7,952,266	2,714,759	2,814,759	-5,137,507	+100,000
General Reductions (Sec. 129)					
Military Construction, Army	-230,000	---	---	+230,000	---
Military Construction, Navy and Marine Corps	-235,000	---	---	+235,000	---
Military Construction, Air Force	-64,091	---	---	+64,091	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2011 (H.R. 5822)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
General Rescissions (Sec. 130)					
Military Construction, Army	-33,000	---	---	+33,000	---
Military Construction, Navy and Marine Corps	-51,468	---	---	+51,468	---
Military Construction, Defense-Wide	-93,268	---	---	+93,268	---
Military Construction, Army National Guard	-33,000	---	---	+33,000	---
Military Construction, Air National Guard	-7,000	---	---	+7,000	---
Total, title I	23,279,950	18,747,368	18,747,368	-4,532,582	---
Appropriations	(23,686,346)	(18,747,368)	(18,747,368)	(-4,938,978)	---
Rescissions	(-406,396)	---	---	(+406,396)	---
Emergency appropriations	---	---	---	---	---
TITLE II - DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	47,396,106	53,492,234	53,492,234	+6,096,128	---
Readjustment benefits	9,232,369	10,440,245	10,440,245	+1,207,876	---
Veterans insurance and indemnities	49,288	62,589	62,589	+13,301	---
Veterans housing benefit program fund (indefinite)	23,553	19,078	19,078	-4,475	---
(Limitation on direct loans)	(500)	(500)	(500)	---	---
Credit subsidy	-133,000	-165,000	-165,000	-32,000	---
Administrative expenses	165,082	163,646	163,646	-1,436	---
Guaranteed Transitional Housing Loans for Homeless Veterans	(750)	---	---	(-750)	---
Vocational rehabilitation loans program account	29	48	48	+19	---
(Limitation on direct loans)	(2,298)	(3,042)	(3,042)	(+744)	---
Administrative expenses	328	337	337	+9	---
Native American veteran housing loan program account	664	707	707	+43	---
Total, Veterans Benefits Administration	56,734,419	64,013,884	64,013,884	+7,279,465	---
Veterans Health Administration					
Medical services	34,707,500	---	---	-34,707,500	---
Advance from prior year	---	(37,136,000)	(37,136,000)	(+37,136,000)	---
Advance appropriation, FY 2012	37,136,000	39,649,985	39,649,985	+2,513,985	---
Subtotal	71,843,500	39,649,985	39,649,985	-32,193,515	---
Medical support and compliance	4,930,000	---	---	-4,930,000	---
Advance from prior year	---	(5,307,000)	(5,307,000)	(+5,307,000)	---
Advance appropriation, FY 2012	5,307,000	5,535,000	5,535,000	+228,000	---
Subtotal	10,237,000	5,535,000	5,535,000	-4,702,000	---
Medical facilities	4,859,000	---	---	-4,859,000	---
Advance from prior year	---	(5,740,000)	(5,740,000)	(+5,740,000)	---
Advance appropriation, FY 2012	5,740,000	5,426,000	5,426,000	-314,000	---
Subtotal	10,599,000	5,426,000	5,426,000	-5,173,000	---
Medical and prosthetic research	581,000	590,000	590,000	+9,000	---
Medical care cost recovery collections:					
Offsetting collections	-2,954,000	-3,393,000	-3,393,000	-439,000	---
Appropriations (indefinite)	2,954,000	3,393,000	3,393,000	+439,000	---
Total, Veterans Health Administration	93,260,500	51,200,985	51,200,985	-42,059,515	---
Appropriations	(45,077,500)	(590,000)	(590,000)	(-44,487,500)	---
Emergency appropriations	---	---	---	---	---
Advance from prior year	---	(48,183,000)	(48,183,000)	(+48,183,000)	---
Advance appropriations, FY 2012	(48,183,000)	(50,610,985)	(50,610,985)	(+2,427,985)	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2011 (H.R. 5822)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Cemetery Administration					
National Cemetery Administration	250,000	250,504	259,004	+9,004	+8,500
Departmental Administration					
General operating expenses	2,086,707	2,588,389	2,601,389	+514,682	+13,000
Information technology systems	3,307,000	3,307,000	3,222,000	-85,000	-85,000
Office of Inspector General	109,000	109,367	115,367	+6,367	+6,000
Construction, major projects	1,194,000	1,151,036	1,166,036	-27,964	+15,000
Construction, minor projects	703,000	467,700	507,700	-195,300	+40,000
Grants for construction of State extended care facilities	100,000	85,000	85,000	-15,000	---
Grants for the construction of State veterans cemeteries	46,000	46,000	46,000	---	---
Total, Departmental Administration	7,545,707	7,754,492	7,743,492	+197,785	-11,000
Appropriations	(7,545,707)	(7,754,492)	(7,743,492)	(+197,785)	(-11,000)
Emergency appropriations	---	---	---	---	---
Administrative Provision - GOE	---	---	23,584	+23,584	+23,584
Total, title II	157,790,626	123,219,865	123,240,949	-34,549,677	+21,084
Appropriations	(109,607,626)	(72,608,880)	(72,629,964)	(-36,977,662)	(+21,084)
Emergency appropriations	---	---	---	---	---
Advance from prior year	---	(48,183,000)	(48,183,000)	(+48,183,000)	---
Advance appropriations, FY 2012	(48,183,000)	(50,610,985)	(50,610,985)	(+2,427,985)	---
(Limitation on direct loans)	(2,798)	(3,542)	(3,542)	(+744)	---
Discretionary	(101,222,310)	(59,370,719)	(59,391,803)	(-41,830,507)	(+21,084)
Mandatory	(56,568,316)	(63,849,146)	(63,849,146)	(+7,280,830)	---
TITLE III - RELATED AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	62,675	64,200	65,667	+2,992	+1,467
Foreign currency fluctuations account	17,100	20,200	20,200	+3,100	---
Total, American Battle Monuments Commission	79,775	84,400	85,867	+6,092	+1,467
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses	27,115	90,147	90,147	+63,032	---
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	39,850	38,100	39,600	-250	+1,500
Armed Forces Retirement Home					
Operation and maintenance	62,000	69,200	69,200	+7,200	---
Capital program	72,000	2,000	2,000	-70,000	---
Total, Armed Forces Retirement Home	134,000	71,200	71,200	-62,800	---
Total, title III	280,740	283,847	286,814	+6,074	+2,967
(By transfer)	---	---	---	---	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2011 (H.R. 5822)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - OVERSEAS CONTINGENCY OPERATIONS					
Military Construction, Army	924,484	929,996	---	-924,484	-929,996
Military Construction, Army (Emergency)	---	---	929,996	+929,996	+929,996
Military Construction, Air Force	474,500	280,506	---	-474,500	-280,506
Military Construction, Air Force (Emergency)	---	---	280,504	+280,504	+280,504
Military Construction, Defense-Wide	---	46,500	---	---	-46,500
Military Construction, Defense-Wide (Emergency)	---	---	46,500	+46,500	+46,500
Total, title IV	1,398,984	1,257,002	1,257,000	-141,984	-2
TITLE V - GENERAL PROVISIONS					
General operating expenses	---	23,584	---	---	-23,584
Total, title V	---	23,584	---	---	-23,584
Grand total	182,750,300	143,531,666	143,532,131	-39,218,169	+465
Appropriations	(133,574,712)	(91,663,679)	(91,664,146)	(-41,910,566)	(+467)
Rescissions	(-406,396)	---	---	(+406,396)	---
Emergency appropriations	---	---	(1,257,000)	(+1,257,000)	(+1,257,000)
Advance from prior year	---	(48,183,000)	(48,183,000)	(+48,183,000)	---
Advance appropriations, FY 2012	(48,183,000)	(50,610,985)	(50,610,985)	(+2,427,985)	---
Overseas contingency operations	(1,398,984)	(1,257,002)	---	(-1,398,984)	(-1,257,002)
(By transfer)	---	---	---	---	---
(Limitation on direct loans)	(2,798)	(3,542)	(3,542)	(+744)	---

Madam Chair, I reserve the balance of my time.

□ 1630

Mr. CRENSHAW. Madam Chair, I yield myself such time as I may consume.

First let me just say that I rise in support of this appropriations bill. It's the first appropriations bill that we will bring to the floor today, and I think it's an excellent bill.

I would like to start by thanking Chairman EDWARDS, not only for his leadership, but for the example that he sets to make every member of the subcommittee feel like they are valued. He has treated everyone with a sense of fairness. It has been an open process, bipartisan process, and we appreciate that very much. I think because of that atmosphere that everything we do in this subcommittee is really geared to make sure that we put the best interests of the men and women in uniform first, and put their families first, the veterans, and those fallen heroes.

I want to say a word about Ranking Member ZACH WAMP. I am here in his stead. He is back home in Tennessee trying to represent the people of Tennessee in a different way, as the Governor of that State. But I can tell you that even though he is not here, as Mr. EDWARDS mentioned, he has been very much a part of this process. I think this bill is a reflection of his dedication, his commitment to the men and women in uniform. And I know that I've heard Mr. WAMP say on occasion that serving as the ranking member of this subcommittee has been the highest achievement of his career here in the House of Representatives, and so we wish him well as he leaves.

I want to also say a word about Mr. YOUNG. He's not here today, but he has been a long-time member of this subcommittee. I think Chairman EDWARDS agrees that he has been a great champion of the men and women in uniform. He and his wife, Beverly, are often visitors at our military hospitals to see the folks that have come back, the wounded warriors. If he were here, I'm sure he would stand up and say that he believes this is a very good bipartisan bill. He is recovering from some surgery himself, so I know we all wish him well in this committee.

Mr. EDWARDS has done a great job of talking about kind of an overview of what goes on here, and so I don't want to repeat that. I certainly want to echo his words of congratulations to the staff; we thank everyone for their hard work. But I want to mention a couple of items that were brought up that were concerns that, because of the open process, because of the bipartisan nature in our subcommittee markup, members had a chance to talk about some issues of concern.

One was, and Mr. EDWARDS mentioned that, we found that while we were adding dollars to most of the programs in the VA, the Inspector General was kind of held to last year's level. We all felt like—it was a bipartisan agreement—that the Inspector General has so much to offer in terms of oversight, in terms of accountability, by doing audits, that they ought to have additional resources, and so we added $6 million there.

Another concern that was raised at the subcommittee level was the VA had decided that they wanted to reduce the number of claims processors they had in the new GI bill as part of the veterans affairs. You all remember when we passed that updated version of the GI bill and added benefits that are so important to our veterans as they come back, and yet we found out that last year there had been quite a bit of problems just because of the increased demand on those claims processors. We thought it would be a bad idea to reduce the number of folks that were processing those claims when last year this chaos was created—and my office got calls, I know other Members got calls because the tuition payments weren't being made in a timely fashion, the claims weren't being processed; in fact, sometimes the checks were written by hand and delivered without much accountability.

And so while we applaud the VA for saying we want to try to do more with less, we thought right now that would be penny wise and pound foolish. And so we added back those claims processors. We want to make sure that we get everything done on time. Next year, they're actually estimating the increase will be 31 percent. There will be over 2.2 million claims made under those new GI benefits, and we want to make sure that they are paid on time. So we added back those individuals.

And, finally, there was a concern about Arlington National Cemetery. I think a lot of people read about some of the horror stories that went on there. We found out that the management was really a little bit behind in terms of modern day. So the Secretary of the Army, John McHugh, acted very quickly and very forcefully. He set up some guidelines to improve what's going on at Arlington National Cemetery. Mr. YOUNG offered some report language to make sure that the members of this subcommittee will have a chance to exercise appropriate oversight.

So those were areas of concern that I think were addressed because of this open process, and those amendments were adopted unanimously on a bipartisan basis.

I would say from the big-picture standpoint, as Mr. EDWARDS has talked about, I came to Congress primarily because I believed that the number one responsibility of the Federal Government is to protect American lives, and I still believe that today. But what I found when I was assigned to this subcommittee was that we also have a sacred responsibility to make sure that the men and women who wear the uniform are treated with respect, that they have adequate housing, and that they have the quality of life they so richly deserve.

This bill continues the commitment that we've made there. Sometimes when you think about military construction projects, you think about a new hangar or a new dock or a ship or a landing strip or a wharf; but as Mr. EDWARDS pointed out, housing is so very vital. We've done a great job, and we continue that commitment. Whether it's a barracks or whether it's married housing, we want to have the housing we would want our sons and daughters to live in, and we're making great progress in that area.

I think we all agree we've got the best trained and the most equipped military in the world, and we've worked hard to do that. But we are also beginning to make sure that when people come back that have been under some stress, under unique situations, that they have adequate counseling, that they have those kinds of programs that are so very important; and I think this bill continues that commitment.

And just finally I would say there are a couple of important projects that are funded this year as part of the administration's budget deal with my district in northeast Florida. There is a naval station, Mayport, that the Navy has decided to make that home port for a nuclear carrier; and so last year there was money to begin dredging, to begin wharf upgrades. This year, there is $2 million for planning and design to continue that process. I worked with the chief of naval operations—in fact, spoke with him just about a month ago—and the Navy is still very committed, because of national security, to make sure that we have the ability to disperse our assets, to make sure we have a backup nuclear maintenance facility, and I thank the subcommittee and the members for their support.

Also in northeast Florida, the Marines have a project called Blount Island, where a great deal of the materiel goes back and forth through that port to the Middle East. There is money to upgrade and make that more of a world-class facility.

So this is a great bill that I think we can all be proud of. And it really is the result of the leadership of Mr. EDWARDS and his hard work, the leadership of Mr. WAMP and his hard work and, actually, the hard work of every member of this subcommittee. And I think because of that, we have a bill that truly honors our American heroes. It speaks to the people that defend us today, it speaks to those who have returned as veterans, and also to those who have paid the ultimate sacrifice. And so for those reasons, Madam Chair, I urge everyone to support this bill.

I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, before introducing Chairman OBEY, I would like to join with my friend and colleague, Mr. CRENSHAW, in saluting Mr. YOUNG of Florida. While he is not here because of an illness today, he has spent a lifetime of service and commitment to our servicemen

and women, our veterans and their families.

I also see Mr. LEWIS on the floor, the ranking member of the full committee, the former chairman of the full committee, the former chairman of the Defense Appropriations Committee. I thank Mr. LEWIS also for working on this bill and for his leadership throughout his long career here in Congress in support of our servicemen and -women.

Madam Chair, it is one of two honors of my lifetime to recognize and introduce Chairman DAVE OBEY. I must say that in the last 3½ years, this Congress has increased veterans funding by more than any 3½-year period in history. That would not have happened had it not been for the allocations and the personal leadership of Chairman DAVE OBEY. And while others of us at the subcommittee level or the VA authorizing subcommittee level have been the ones sometimes recognized by veterans groups for our work over these past 3½ years, it has been Chairman OBEY's leadership and partnership with Speaker PELOSI behind the scenes that have made all of these new programs, including the funding of the GI bill, that has helped over 500,000 servicemen and -women and veterans and their families.

It's been Mr. OBEY's leadership that has truly made a difference in this process. Of his many great legacies of his service to this country and Congress, I hope he will always be remembered as a true champion of America's veterans.

Madam Chair, I yield 5 minutes to Chairman OBEY.

□ 1640

Mr. OBEY. I thank the gentleman for the time. I thank him for his overblown words.

I do want to extend my best wishes to BILL YOUNG, who is one of the most loved Members of this House and one of the most respected.

I also want to congratulate the gentleman from Texas for the superb job he has done in putting this bill together. It is a well-balanced bill, and everyone understands the gentleman's convictions and his passionate desire to defend the interests of American veterans.

Madam Chair, there are more than 6 million veterans and their families who depend on the Department of Veterans Affairs for medical care, for disability payments, and education benefits, and this bill represents our obligation to them. It builds on our actions of the last 2 years, which have provided the most significant enlargement of education benefits for veterans since the passage of the original GI Bill of Rights.

One of the bill's highest priorities is to help cut through the bureaucracy that disabled veterans face over their claims. They shouldn't have to wait months and months for their paperwork to be processed before receiving the benefits owed to them. The bill provides for an additional 4,000 permanent claims processors—a 25 percent increase to work through more than 1 million disability claims.

These resources are especially needed now that the Vietnam veterans will be eligible to file claims for disabilities caused by Agent Orange. Veterans' medical care is the largest component of the bill. According to the VA, more than 6.1 million patients will be treated in 2011, including nearly 440,000 veterans of the wars in Iraq and Afghanistan.

Now, many people think of veterans' health care as being solely focused on physical injuries. We understand now, better than ever, how combat threatens soldiers' mental health as well. We owe it to every one of them to address not only their physical wounds but also the mental and emotional consequences of war. This bill includes added resources for services to veterans suffering from traumatic brain injury, post-traumatic stress disorder, depression, and other mental conditions. Full access to this care remains a problem for some veterans, for seeing the right specialist can mean expensive trips and hours and hours in the car.

In Northern Wisconsin, for instance, there are tens of thousands of veterans who cannot regularly see counselors because there aren't vet centers anywhere near their homes. This bill makes critical investments to meet our obligations to them.

This bill also addresses the high rate of veterans' homelessness. On any given night last year, 107,000 veterans were homeless. That is shameful. With the goal of ending veterans' homelessness in 5 years, this bill matches the budget request for VA homeless assistance grants and supportive services for veterans and their families who need them.

At the end of the day, it is important to remember that this bill is not just about dollars and programs. It is about our duty to American veterans—to respect their service and sacrifice, not only with flowery words on the Fourth of July, but also with actions like this, on days like this, that are less noticed but every bit as important.

I congratulate the subcommittee for the bill that they have produced.

Mr. CRENSHAW. Madam Chair, I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I yield 2 minutes to the vice chairman of the Appropriations Subcommittee on Military Construction and Veterans Affairs, the gentleman from California (Mr. FARR), who has been a champion on this committee for veterans, our troops, their families, and for all of the many issues involved in this subcommittee's affairs.

Mr. FARR. Thank you very much, Mr. Chairman.

To our current acting ranking member, Mr. CRENSHAW, thank you very much for giving me this moment to speak on this very important bill.

Madam Chair, yesterday, the House of Representatives had a very important vote, a very controversial vote here. The vote was on funding the war effort in Afghanistan. Those votes ought to be controversial—whether we go to war, where we go to war, and how long the mission is going to take. Those ought to be votes that you can cast for and against. Yet there is one bill you can't vote against, and that is the bill that supports the troops in their residence, in their training and back here at home—the quality of life that we provide defense personnel, military personnel.

This is the bill that funds the child care centers. This is the bill that creates the housing for men and women in uniform, who voluntarily join the service. This is the bill that creates the clinics and the hospitals, the support systems—any kind of community of support—and a special one for military personnel needs. So one can vote against the war, but one cannot vote against the support here at home.

This bill has bipartisan support because it is interested in improving the quality of life of military personnel, who voluntarily come into the military. Everybody who passes through the Department of Defense ends up becoming a veteran. You cannot be a veteran without having served in active duty.

This committee also supports the continuum of care. We ought not to have a silo of Defense Department quality of care and a separate silo for veterans. We are making it seamless. We are making it so that, when you enroll in the Department of Defense, you also automatically enroll in the Department of Veterans Affairs. The Department of Veterans Affairs takes care of you for the rest of your life. We owe it to any man or woman who has ever served in the military to provide them the promises that were made. These promises were made, but the quality of care until now has not been that great. It has changed.

Please support this appropriations bill as the real ''support our troops'' bill.

Mr. CRENSHAW. Madam Chair, I continue to reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I yield 1½ minutes to a very important member of our Appropriations subcommittee, the gentleman from Colorado (Mr. SALAZAR), who has been a real champion for our vets and our troops.

Mr. SALAZAR. Madam Chair, I want to take a moment to recognize my colleagues.

Chairman EDWARDS has been a great champion of our veterans since his tenure here in Congress began. Also, I thank Ranking Member WAMP and Mr. CRENSHAW for their valiant efforts in putting this bill together.

I don't think that I have had a greater honor than to serve on a committee of this type where we all work together in a bipartisan manner. Chairman EDWARDS, Ranking Member WAMP, Mr.

CRENSHAW—all of us—have worked very hard for veterans and their families. All 17.5 million living veterans in the United States should applaud you for your diligent work as you fight for those who provide us freedom.

Madam Chair, as the chairman mentioned, it is important to recognize the bipartisanship and fiscal responsibility of this bill. In completing BRAC 2005, the subcommittee was able to reduce the overall spending of this bill by three-quarters of a billion dollars. The bill includes a total of $57 billion, which is an increase of nearly $4 billion for veterans' medical care, disability, and educational benefits. Veterans in Colorado are a major winner in this bill again. Thanks to the President and to the subcommittee for their continued support of a new VA medical center in Denver, Colorado.

I want to thank all of those Members who continue to fight the good fight for our veterans and military personnel.

Mr. CRENSHAW. Madam Chair, I yield myself 1 minute.

I would ask Chairman EDWARDS if he would engage in a brief colloquy.

Mr. EDWARDS, it is my understanding that the committee authorized a study in March to review various portions of the Veterans Health Administration. As I understand it, the committee has just received the report. Once the report has been analyzed by the committee staff, I believe it would be important, as we move this veterans' appropriations bill forward, that we use the recommendations in the report, if feasible, to provide better oversight and better transparency to the health care spending at the VA.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. CRENSHAW. I yield to the gentleman.

Mr. EDWARDS of Texas. I want to thank the gentleman both for the points he is making now and also for his focus on oversight.

As we have provided these historic increases in veterans' funding over the last several years, and as we have been working together on a bipartisan basis, I think it is also very important that we see that those tax dollars are spent wisely, efficiently, and effectively.

I have been concerned for some time that the large increases we have provided the VA health care system have not always made their way down to the individual hospitals on a very rapid basis as quickly as we would like.

The CHAIR. The time of the gentleman has expired.

Mr. CRENSHAW. I yield myself 1 additional minute.

Mr. EDWARDS, please continue.

□ 1650

Mr. EDWARDS of Texas. Because of that and our work together, we asked the S&I staff to do this study to help us understand the process the Department's using in distributing money and to highlight areas where we can exert more oversight, if necessary, to ensure the efficient use of taxpayer dollars.

The report just completed is quite large, and in the coming weeks, staff on both sides of the aisle will be evaluating it to determine how its recommendations can be incorporated into our final bill and report. And I certainly look forward to working with the gentleman on examining that report and seeing how we can incorporate some of its ideas into the final conference report on this bill.

Mr. CRENSHAW. Madam Chair, I continue to reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I yield such time as he may consume to the gentleman from Indiana (Mr. DONNELLY) for the purpose of my entering into a colloquy with him.

Mr. DONNELLY of Indiana. Madam Chairman, I want to thank the chairman for his and his committee's work on this bill.

As we all know, there are veterans across the country, including thousands in my district, who are forced to drive long distances to receive the medical care they earned through their service to the Nation. But I understand that included in this bill is $15 million for the VA Health Care Center Advance Planning account, which would go toward new VA Health Care Centers, which could help these veterans.

I wonder if the chairman wouldn't mind going into some detail on this item.

I yield to the gentleman.

Mr. EDWARDS of Texas. I want to thank the gentleman for his hard work on behalf of our veterans. He's been a leader on these issues. And thanks to you, Mr. DONNELLY, this bill directs $15 million that you referenced to planning the VA health care centers across the country. It's an innovative way to make more services available to veterans locally.

I understand that among the locations due to have a new VA health care center is South Bend, in the gentleman's district. And South Bend's demonstrated need for such an expansion of VA health care services was noted by the committee in its report language.

Furthermore, the committee expects that this account will be utilized by the VA as soon as possible.

Mr. DONNELLY of Indiana. Mr. Chairman, thank you so much for your leadership.

Mr. CRENSHAW. I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I yield 1 minute to the gentleman from Connecticut (Mr. MURPHY), who has worked very hard on behalf of our veterans and troops.

Mr. MURPHY of Connecticut. Mr. Chairman, thank you and the committee for bringing this bill before us.

There's $13 billion in this legislation for construction. That's more in the last 4 years combined than any 4-year period since the 1940s. And though that will mean transformational things for our veterans, I want to just briefly highlight this afternoon what it will mean for the people that will do that work.

We've lost 2 million construction jobs in this recession and the Associated General Contractors of America estimate that almost 400,000 construction jobs could be created just by this bill alone. That's good news for jobs in this country. But we can have even better news if we make sure that the materials used to build those buildings are bought here in America as well.

Many of us have been working very hard on reinforcing our Buy America law. This construction funding presents us with a unique opportunity to not only serve our veterans, not only honor our commitment to them, but also grow the types of jobs in construction and construction materials that this economy badly needs.

I'm so thankful to the chairman for all of his work bringing this bill to the floor and what it will mean for veterans and for jobs.

Mr. CRENSHAW. I continue to reserve.

Mr. EDWARDS of Texas. Madam Chair, there are several other speakers on our side of the aisle who said they would like to speak, but perhaps we have progressed more quickly than they thought.

I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ), a member of the Appropriations Committee who has been vocal in his strong support of our veterans and troops.

Mr. RODRIGUEZ. Madam Chair, I just wanted to take this opportunity to come down to the House floor and congratulate our chairman, Congressman CHET EDWARDS, on his efforts in this area. I feel really elated in terms of the amount of resources that we have been able to put for our veterans.

Having been on the Veterans' Committee and on the appropriations side and the authorizing side, I had the opportunity to witness the situation that we suffered with when we had to do the copayments and require our veterans to come up and pay copayments. We cut Category 8 veterans from that. In addition, not only that, but we asked them to pay for additional fees for services.

And in the last 3 years, it's been a turnaround, and this bill provides resources there for the first time that allow an opportunity for us to be able to look at our infrastructure and improve on those areas that are out there.

We have a good number of hospitals out there that are lacking on infrastructure, and I'm hoping that in the future we continue to do this. This bill puts us on the right track to provide additional resources, and I want to thank him, personally, also.

I know that it also has been able to put additional resources and creating additional polytrauma centers. We have four in the Nation. Now we have a fifth in Texas, and so I want to thank him personally, there in San Antonio,

for the polytrauma center that has had the resources to be able to begin to provide those needed items that our veterans need.

I also want to just thank him for putting the resources there and just advertise the fact that, just in the last year and a half, we have over 240,000 veterans that are now taking advantage of the GI Bill. And this is a tremendous bill. We expect to have over half a million veterans participating in the GI bill. And that, in the future, will show a tremendous amount of positiveness when those individuals get their bachelor's, their master's, and their doctorate degrees as they move forward. In addition to that bill, it also allows their kids and their spouses to take advantage.

So congratulations on the great work that you have been doing, Chairman.

Mr. EDWARDS of Texas. Madam Chair, I yield 2 minutes to the gentleman from New York (Mr. HALL), who is a leading voice of America's veterans on the Veterans' Affairs Authorizing Committee.

Mr. HALL of New York. Madam Chair, on behalf of the veterans of the Hudson Valley of New York and all those who have served our country in uniform, I'm strongly supportive of the bill which we're considering today. It's a solemn contract that we who do not serve in uniform—we have enjoyed the benefits of their sacrifice and their personal risk and their families doing without them—need to uphold our part of the bargain, which is to take care of them anytime after their return. And, therefore, I think it's really critical that we pass this bill to fund not just military construction but veterans facilities.

We don't know yet what the cost will be from the conflicts we're currently engaged in. Unfortunately, our country has a habit of deciding to go into a conflict without an educated, informed figure being given out, or a guess even that's very accurate as to what the lifetime costs may be for care of the veterans created by that conflict, but it's essential that we protect those veterans facilities that we have and improve them as needed, construct new ones as needed.

And I am concerned, first of all, with passing the underlying bill. But secondly, I'm also concerned with some amendments that have been offered to this bill, which I will speak to later when the amendments are being considered, which move money from what's considered to be, or what's called minor construction and, in particular, from an urgent care center and minor construction, and to other things which sound and are good in and of themselves.

□ 1700

Mr. CRENSHAW. Madam Chair, I continue to reserve my time.

Mr. EDWARDS of Texas. Madam Chair, I yield 5 minutes to the gentleman from Rhode Island (Mr. KENNEDY). And as he approaches the well, let me just thank him. This will be his last year to be in the House, a member of this committee. And he has been an inspiration to veterans throughout America and to every member of our subcommittee on both sides of the aisle in his championing the cause of mental health care services and other services for veterans, care for our homeless veterans. I thank the gentleman. It will be a legacy that will live on for many decades to come.

Mr. KENNEDY. I thank the chairman and my ranking member for all the work they did to make this a fine veterans appropriations bill.

Ladies and gentlemen, if our soldiers were caught behind enemy lines, we would think nothing of mounting the full might of military power to go in and retrieve those members of our military. In fact, every American would wrap yellow ribbons around their trees in solidarity in order that we may set those prisoners of war free, in order that we may bring back those hostages of the Taliban, or the terrorists, or whomever may have captured them.

But ladies and gentlemen, something is going on in this country, something very tragic. Our military, our Veterans Affairs, everybody talks a good game, talks a very good game of patriotism when it comes to saying we're going to stand by our guardians of freedom, while those very guardians of freedom aren't free themselves. They may have come home in body, but they have not come home, many of them, in mind.

They are suffering from the signature wound of this war. What is that? Traumatic brain injury. What is that? Posttraumatic stress disorder. My colleagues, these veterans in essence are being held hostage. They're being held hostage all over this great country. They are in essence prisoners of war. They are prisoners of this war, prisoners of traumatic brain injury and its symptoms, its many symptoms: loss of memory, loss of cognitive ability, and the symptoms that ensue.

Many of them self-medicate. Many of them isolate. Why? Because these injuries are invisible, invisible to the naked eye, but not invisible to anybody who loves them. These are real injuries. They are injuries that can turn their lives upside down. All of the commanders in DOD say they are doing something about it. I'm not seeing it. In fact, I was briefed a year ago on some neuroscience research of an off-label drug that's used to treat bleeding in the intestines, to reduce swelling. They thought it might help reduce swelling of a concussion and the onset of swelling in the brain. Guess what? It proved to be effective, initial findings showed.

If this were the battle of AIDS, that drug would have been in the field helping our soldiers. But no, we don't have the urgency we have with AIDS. Somehow we don't have the urgency when it comes to our veterans and the signature of this war wound, TBI and PTSD, that we bring when it comes to something like AIDS. We don't set aside parochial concerns. We don't set aside partisan. We don't set aside the value of someone's proprietary research concerns.

When are we going to make our special interest the veteran? There's nothing dirty about special interests so long as we make it the right one. When are we going to agree that there is one special interest in this town that there should be no disagreement about, and that's the veteran. When are we going to say with our actions, not just our words, that the veteran is the one who counts? When are we going to say we're going to release them from terror, the terror and tyranny of their bondage, of their disability because they served us?

Ladies and gentlemen, this study showed that if you reduce the swelling in the brain you can reduce the longer-term impact.

The CHAIR. The time of the gentleman has expired.

Mr. EDWARDS of Texas. I yield the gentleman an additional 15 seconds.

Mr. KENNEDY. The blood-brain barrier reduces the ability for a bruise that is absorbed by the regular body to be absorbed by the brain. This drug helped reduce the swelling. The DOD has an obligation to implement it. They are not. They should. And they ought to.

Mr. CRENSHAW. Madam Chair, I yield myself the balance of my time.

Madam Chair, I think we have heard today what a well-balanced bill this is, as we said at the beginning. And I think it demonstrates—it's an example of what happens when people come together in an open process, in a fair process, in a bipartisan process. I think this bill demonstrates the work that we can do when we work together. So again, I am honored to be part of this process, to work with the chairman and the ranking member.

I urge everyone to support this bill.

I yield back the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I want to finish by thanking Mr. CRENSHAW for, again, his leadership on this and working together importantly on so many parts of this bill, and doing so in a bipartisan manner. We thanked a lot of people in this process. It's been a work of good faith on both sides of the aisle.

I always want to save the best for the last in thanking our veterans service organizations for their partnership in putting together this legislation.

I add two letters, one from the DAV, AMVETS, Paralyzed Veterans of America, and Veterans of Foreign Wars; another from the president of the National Guard Association of the United States, in support of this legislation.

THE INDEPENDENT BUDGET,
July 27, 2010.

Hon. CHET EDWARDS,
Chairman, Subcommittee on Military Construction and Veterans Affairs, House Committee on Appropriations, The Capitol, Washington, DC.

DEAR CHAIRMAN EDWARDS: On behalf of the co-authors of the Independent Budget, we would like to take this opportunity to thank you for your unwavering support for our nation's sick and disabled veterans, as well as all of the men and women who have so honorably served this country. We appreciate your efforts as Chairman of the House Appropriations Subcommittee on Military Construction and Veterans' Affairs to achieve an excellent funding level for the Department of Veterans Affairs (VA) once again this year. Through your leadership, the VA will receive another significant funding increase for FY 2011.

More importantly, the Military Construction and Veterans Affairs appropriations bill also includes approximately $50.6 billion in advance appropriations for the VA medical care accounts—Medical Services, Medical Support and Compliance, and Medical Facilities—for FY 2012. By providing the VA with an advance appropriation for FY 2012, the VA will once again be able to better plan for hiring critical new staff and addressing demand on the health care system. The additional planning time will also allow the VA to better work with Congress to ensure that its true resource needs are met well in advance of the start of the fiscal year.

These actions reflect the priority that you and the House leadership have placed on needs of the men and women who have so honorably served this country. We offer our strong support for the FY 2011 Military Construction and Veterans' Affairs appropriations bill and we hope that the House will quickly pass this critical legislation. Final passage of sufficient funding for the VA will allow the VA to better address the needs of the men and women returning from Operation Enduring Freedom and Operation Iraqi Freedom as well as all veterans who have served in the past.

Sincerely,

RAYMOND C. KELLEY,
National Legislative Director, AMVETS.

CARL BLAKE,
National Legislative Director, Paralyzed Veterans of America.

JOSEPH A. VIOLANTE,
National Legislative Director, Disabled American Veterans.

ERIC A. HILLEMAN,
Director, National Legislative Service, Veterans of Foreign Wars.

[From the National Guard Association of the United States, Inc., July 14, 2010]

NGAUS HAILS HOUSE EFFORTS TO MODERNIZE NATIONAL GUARD FACILITIES

WASHINGTON.—The association that represents the leadership of nearly 465,000 National Guard men and women today applauded efforts in the U.S. House of Representatives to modernize Guard facilities across the country.

This morning, the House appropriations subcommittee on military construction and veterans' affairs (VA), led by chairman Chet Edwards, D–Texas, and ranking member Zach Wamp, R–Tenn., approved $200 million above the president's budget request for Guard and Reserve military construction.

The move came as the House appropriations committee marks up the fiscal 2011 military construction/VA budget.

''Today, chairman Edwards and ranking member Wamp continued to lead the congressional effort to modernize our aging National Guard facilities,'' said retired Maj. Gen. Gus L. Hargett Jr., NGAUS president. ''We are grateful for their leadership, and the actions of the subcommittee speak volumes about their support of citizen-soldiers and airmen.''

Last year, the House appropriations subcommittee on military construction and veterans affairs, took the unique step of adding to its bill a block of funding to address critical unfunded military construction requirements in the National Guard and Reserve.

The extra $30 million each for the Army and Air Guard funded an additional eight projects, which otherwise may have been lost for years or even permanently.

NGAUS has been at the forefront of the push for additional funds for military construction. Hargett sent a letter in early March to House and Senate authorizers and appropriators requesting additional funds for Guard facilities.

According to the House appropriations committee press release, the markup provides ''$200 million to continue the subcommittee's Guard and Reserve initiative begun last year. This money will go to the highest unfunded military construction priorities of the commanders of the reserve components of the Army, Navy, Marine Corps, and Air Force.''

The appropriations mark mirrors the House-passed version of the fiscal 2011 National Defense Authorization Act, which authorizes an additional discretionary $60 million for the Army National Guard and $50 million for the Air Guard for military construction. The president's budget request for Army Guard military construction for fiscal 2011 was $873.6 million; the Air Guard request was $177 million.

NGAUS believes the Army Guard needs $1.5 billion annually just to begin reducing a nationwide backlog of more than $13 billion in Army Guard military construction projects. The average armory is 43 years old. Many can no longer accommodate modern units and equipment.

The Air Guard requires $300 million a year.

Mr. VAN HOLLEN. Madam Chair, I rise in support of the Military Construction Appropriations Act of 2011.

This measure provides $141.1 billion for military construction of all kinds from military family housing, to construction of operational facilities in the U.S. and abroad. This funding will be used to construct schools, hospitals and other facilities for veteran's healthcare.

The Veterans Health Administration has estimated that it will treat over 6.1 million patients next year. This number includes more than 439,000 veterans of Iraq and Afghanistan. This measure provides $48.8 billion for health programs within the Veterans Health Administration. Additionally, the bill provides $53 billion for service-connected compensation, pensions and benefits for the estimated 4 million veterans and their families.

This measure provides $2.4 billion to further implement base closures and realignments outlined in the 2005 BRAC, including support for the re-stationing of troops and their families from overseas to the United States. The bill provides $1.3 billion to support our troops in Afghanistan and $259 million for U.S. construction funding obligations as part of the North Atlantic Treaty Organization Security Investment Program in that country.

For military families living on base, the measure appropriates $1.8 billion for housing as well as for operation and maintenance costs. These funds are used for everything from repairs, to furnishings, management, utilities, and even for mortgage insurance. To address the growing housing backlog for unmarried troops and trainees, the bill provides $190 million for Army trainee housing facilities.

And finally, to ensure accountability, the measure provides funding to the Defense Department inspector general to audit these and other military construction projects.

I encourage my colleagues to join me in support of this bill.

Ms. JACKSON LEE of Texas. Madam Chair, I rise in strong support of the rule for H.R. 5822, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act of 2011. I would like to thank my colleague, Mr. EDWARDS, for introducing this important bill honoring our continued commitment to support the brave men and women who have been willing to sacrifice their very lives in the service of our nation and the freedom we so cherish. Our armed forces and their family members are among the most valued members of our society, custodians of our freedom and protectors of our democracy. We must continually re-commit ourselves to serving them with the same honor, dignity and respect with which they serve their country.

This bill generously provides substantial funding, over 77 billion dollars, in the service of our men and women in uniform, veterans, and their families for fiscal year 2011. It is a continuation of three and a half years of hard work and tireless efforts on behalf of the House Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies. This bill is a testament to their commitment to our soldiers, veterans and their loved ones. Moreover, the bill contains specific guidelines and provisions to ensure that all funds are spent responsibly, accountably and in a way that serves our troops and American taxpayers.

Of the 77 billion dollars, 18.7 billion are for Military Construction. The funds will provide adequate housing for our young military trainees bravely serving their country; it will fund environmental cleanup of closed or moved bases as we strategically re-align resources; it will provide for a National Guard and Reserve initiative for the men and women serving their nation at home; and it grants funding for critical construction for overseas contingencies operations in Iraq and Afghanistan.

The bill also dedicates over 56 billion dollars to Veterans Affairs honoring those who, after serving their country overseas, returned home to re-integrate into the society they fought valiantly to protect. The majority of the funding, over 37 billion, will go to providing much needed and well deserved medical services for all veterans, including mental health services and assistance to homeless veterans. The remaining funding will be used for major and minor construction projects, medical and prosthetic research, and medical facilities in the service of our honored veterans.

Finally, in Related Agencies, the bill is providing for a number of other critical needs, such as the National Cemetery, funding for an Armed Forces Retirement Home, and the Monuments Commission which manages and cares for the monuments and cemeteries around the world that honor the service of our armed forces.

Additionally, in respect for the fact that the American public has rightly demanded greater

efficiency in government and efforts to reduce our deficit spending, there are a number of important provisions to ensure that all funds are spent in the most effective, efficient and expedient way possible. The provisions include several controls for Veterans Affairs spending and contract oversight, as well as oversight provisions for all construction projects in Iraq and Afghanistan, among others.

Although I am disappointed that my amendment, establishing portability between states for individualized education, disability and therapeutic benefits of a dependent of a member of the armed forces upon transfer of the member, was not included in the final version, I still gladly and proudly support this bill.

However, I would like to reiterate that an important part of anyone's quality of life is their family and dependents. One of the ways in which we can serve the members of the armed forces who sacrifice so much for our safety and our liberty is to ensure that their families are taken care of, and eliminate the bureaucratic red tape involved in moving from one place to another. Members of the armed forces often find themselves moving, and uprooting their families and their lives. Hopefully such a provision, aimed at facilitating that process by making the educational, disability and therapeutic benefits of a child or dependent of a member of the armed forces transferable from one state to another, will be included in future legislation.

In closing, I reiterate my strong support for this bill, and express my most sincere and heartfelt appreciation to everyone fighting to defend our country for their service and sacrifice for the good of the nation.

Mr. DINGELL. Madam Chair, I rise in support of H.R. 5822, the Military Construction and Veterans Affairs (Mil Con-VA) and Related Agencies Appropriations Act for fiscal year 2011.

I commend my friend and colleague, Chairman of the House Appropriations Subcommittee on Military Construction and Veterans Affairs, Congressman CHET EDWARDS (D–TX) for writing a bill that provides tremendous support to our veterans and families. One of the greatest accomplishments since the Democrats regained control of Congress has been providing our veterans with a budget worthy of their service and sacrifice. The Mil Con-VA Appropriations Act for FY 2011 is no exception.

Since the Democrats took back Congress in 2007, we have provided a 70 percent increase in funding for veterans health care and benefits. Some of the highlights of this increase include the addition to the VA of more than 10,000 claims processors to reduce claims backlogs, 3,389 doctors and 14,316 nurses, 145 community-based outpatient clinics, 92 new vet centers, and more than 47,000 additional Veterans Health Administration employees.

In addition, the FY 2011 Mil Con-VA Appropriations Act also fulfills a top priority of national veterans service organizations by continuing to provide advance appropriations of the VA. This way, the VA will be better able to plan for its future needs.

Other important provisions in this legislation include $37.1 billion to improve access to medical services for all veterans; $5.2 billion for mental health services for our veterans suffering from post-traumatic stress disorder, depression, and traumatic brain injury; and $4.2 billion to help our homeless veterans move from the streets to secure homes.

Madam Chair, as a veteran of World War II, I am proud to support this legislation which continues the Democratic Congress' strong commitment to our veterans and their families. I urge my colleagues to join me in voting for H.R. 5822.

Ms. BORDALLO. Madam Chair, I rise today to express my concern with the reduction in military construction funding to Guam for the realignment of U.S. Marines from Okinawa, Japan to Guam. I appreciate the Committee's recognition of the strategic importance of this realignment as well as their general support for these efforts. However, I remain concerned that these cuts send the wrong message at the wrong time. It is unfortunate that my counterparts in the Subcommittee on Military Construction and Veterans Affairs did not follow the funding levels for Guam military construction that were agreed to in H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. Given the recent reluctance by the Government of Japan to reaffirm the Guam International Agreement, I believe it is important to collectively move forward with a unified position.

However, these cuts do make one point clear to my constituents. Congress holds the power of the purse. There are concerns on Guam and with certain federal agencies that the pace of construction during the military build-up could place an undue burden on our civilian infrastructure. However, I have made it clear that if construction was outpacing the local community's ability to handle the additional people we could put our foot on the brakes. Given the concerns raised by our local government this reduction in funding highlights how Congress can ensure that we get this build-up done right.

Finally, I would like to rise in support of amendment #8 introduced by my colleague from Georgia, Congressman PHIL GINGREY. His amendment would restrict funds authorized by this bill to be used for the purposes of eminent domain without providing payment of just compensation. This amendment highlights our concern that eminent domain is not a preferred method through which the Federal Government should obtain private or other government lands. I support this amendment because there is concern that the Department of the Navy would use the powers of eminent domain to obtain private and Government of Guam land to build a new training range. This amendment would demonstrate that I am opposed to any such action on Guam in the future.

Mr. YOUNG of Florida. Madam Chair, I rise in support of H.R. 5822, the Fiscal Year 2011 Military Construction, Veterans Affairs, and Related Agencies Appropriations Act. It is with great pride that I serve on this subcommittee and I want to commend my colleague from Texas, Mr. EDWARDS, the Chairman of the Subcommittee, and our ranking member, my colleague from Tennessee, Mr. WAMP, for their work in putting together this legislation.

The men and women of our armed forces and our veterans deserve the very best support and care that we can offer them and this bill achieves that. This legislation fulfills our commitment to their future and to their well being.

We include in this appropriations bill $57.0 billion in funding for veterans programs, an increase of $3.9 billion over the level of funding we provided last year. These funds will address some of the major problems our Nation has in addressing the needs of our veterans, including those with mental illness, traumatic brain injuries, the homeless, and the disabled who are forced to wait countless months and even years to resolve their disability claims.

The largest portion of this funding, $48.8 billion, is for veterans medical care. It will enable the VA doctors and staff to treat an estimated 6.1 million patients, including thousands of Iraq and Afghanistan veterans. We also continue our emphasis on mental health and medical services for our returning heroes who are suffering from Post Traumatic Stress Disorder and Traumatic Brain Injuries.

We also increase by 20 percent to $4.2 billion our commitment to providing housing and medical services to our homeless veterans. We must do better in providing transitional housing and serves to these American heroes who now find themselves with nowhere to live and nowhere to work.

We also provide a 25 percent increase in funding, to $2.6 billion, to hire 4,000 additional claims processors to reduce the unacceptable backlog in claims for veterans benefits. With this increase in staffing levels, our Committee will have added more than 10,200 new claims processors over the past four years.

Our committee's support has also been vital to my efforts to continue to support the work of the medical professionals at the Bay Pines VA Healthcare System, which I have the privilege to represent.

We have opened at Bay Pines one of our Nation's most active VA Inspector General operations, to ferret out waste, fraud and abuse in veterans programs and to ensure that every dollar we appropriate to care for our veterans is spent as intended.

We have also been able to speed up work on the construction of a brand new facility to treat veterans with mental illness and Post Traumatic Syndrome Disorder. We also have broken ground thin year on a new Ambulatory Surgery Center and Eye Treatment facility at Bay Pines, work is well underway on a new facility to provide radiation treatment for cancer patients, and we have opened two new VA medical clinics in northern and southern Pinellas County to better serve veterans and their medical needs closer to their homes.

Finally, Madam Chair, I want to thank the members of the subcommittee for accepting my amendment to this legislation to ensure that we fix the problems associated with the national embarrassment that we find at Arlington National Cemetery. The committee has included $150 million in the bill to address the many problems, those which we already know about and those which we have yet to find out about, at Arlington. My amendment would require that the Army develop a clear timetable and specify their plan to resolve all identified issues before they can spend these funds. We owe no less to our America's fallen heroes for whom Arlington is their final resting place and to their families who share our shock and outrage at the situation that we find at one of our Nation's most sacred places.

Madam Chair, this is a good bill, one that addresses the current and future needs of our Nation's veterans. It is also a bill that emphasizes what our committee and this House can do when we work together in a bipartisan way to solve our problems.

Mr. BLUMENAUER. Madam Chair, this bill contains many worthy items, including a substantial investment in our Veterans Affairs programs. A strong safety net for our veterans is more important than ever, particularly in Oregon, where returning Guard and Reserve members face high unemployment and a difficult transition back to civilian life.

I also want to highlight what my colleague Representative CHELLIE PINGREE of Maine stated earlier in this debate: the cleanup of closed military bases is critical to health and growth of our communities. Across America, these closed bases contain discarded munitions, toxins, and shell fragments leftover from years of military training. Funding the return of these properties to safe and productive use is vital. Funds go directly to the development of detection and removal technology, the creation of skilled technician jobs, and generate economic growth as cleaned lands become commercial, residential, or recreational spaces.

For the past decade I have worked with a bipartisan group of members to raise awareness of this issue. I am pleased that with the leadership of my friend Representative SAM FARR, the House has designated $100 million over the President's budget request for the legacy BRAC account. This $460 million is critically needed to address the large backlog of environmental hazards still present at bases closed during the earliest Base Realignment and Closure rounds. I hope in future years we can build on this commitment to our nation's safety and prosperity.

MR. EDWARDS of Texas. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule, and the bill shall be considered read through page 63, line 4.

The text of that portion of the bill is as follows:

H.R. 5822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $4,051,512,000, to remain available until September 30, 2015, of which $190,000,000 shall be for trainee troop housing facilities: *Provided*, That of this amount, not to exceed $259,456,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for trainee troop housing facilities.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $3,587,376,000, to remain available until September 30, 2015: *Provided*, That of this amount, not to exceed $123,750,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,276,385,000, to remain available until September 30, 2015: *Provided*, That of this amount, not to exceed $73,536,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $2,999,612,000, to remain available until September 30, 2015: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $434,217,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount appropriated, notwithstanding any other provision of law, $31,863,000 shall be available for payments to the North Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $1,020,228,000, to remain available until September 30, 2015, of which $60,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $57,182,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Director of the Army National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $292,386,000, to remain available until September 30, 2015, of which $50,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $21,214,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Director of the Air National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $358,325,000, to remain available until September 30, 2015, of which $30,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $26,250,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Army Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $91,557,000, to remain available until September 30, 2015, of which $15,000,000 shall be for critical unfunded requirements of the Navy Reserve

and $15,000,000 shall be for critical unfunded requirements of the Marine Forces Reserve: *Provided*, That of the amount appropriated, not to exceed $1,857,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Navy Reserve and the Commander, Marine Forces Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $48,182,000, to remain available until September 30, 2015, of which $30,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $2,503,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Air Force Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $258,884,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $92,369,000, to remain available until September 30, 2015.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $518,140,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $186,444,000, to remain available until September 30, 2015.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $366,346,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $78,025,000, to remain available until September 30, 2015.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $513,792,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $50,464,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $1,096,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $16,515,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $124,971,000, to remain available until September 30, 2015, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $460,474,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $2,354,285,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries within the United States Central Command Area of Responsibility, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries within the United States Central Command Area of Responsibility, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 120. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 122. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 123. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 124. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided*, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 126. None of the funds appropriated or otherwise made available in this title may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 127. Amounts appropriated or otherwise made available in an account funded

under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the report of the Committee on Appropriations of the House of Representatives to accompany this bill and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of December 1996, as in effect on the date of enactment of this Act.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $53,492,234,000, to remain available until expended: *Provided*, That not to exceed $30,423,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'', ''Medical support and compliance'', and ''Information technology systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $10,440,245,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, $62,589,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2011, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $163,646,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $48,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,042,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $337,000, which may be paid to the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $707,000.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of Public Law 111-163, $39,649,985,000, plus reimbursements, shall become available on October 1, 2011, and shall remain available until September 30, 2012: *Provided*, That, of the amount made available under this heading $1,015,000,000 shall remain available until September 30, 2013: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $5,535,000,000, plus reimbursements, shall become available on October 1, 2011, and shall remain available until September 30, 2012: *Provided*, That, of the amount made available under this heading, $145,000,000 shall remain available until September 30, 2013.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $5,426,000,000, plus reimbursements, shall become available on October 1, 2011, and shall remain available until September 30, 2012: *Provided*, That, of the amount made available under this heading, $145,000,000 shall remain available until September 30, 2013: *Provided further*, That, of the amount available for fiscal year 2012, $130,000,000 for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $590,000,000, plus reimbursements, shall remain available until September 30, 2012.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $259,004,000, of which not to exceed $24,200,000 shall remain available until September 30, 2012.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $2,601,389,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become

employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than $2,162,776,000: *Provided further*, That of the funds made available under this heading, not to exceed $111,000,000 shall remain available until September 30, 2012: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $3,222,000,000, plus reimbursements, shall remain available until September 30, 2012: *Provided*, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which sets forth, by project, the operations and maintenance costs, with salary expenses separately designated, and development costs to be carried out utilizing amounts made available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $115,367,000, of which $6,000,000 shall remain available until September 30, 2012.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,166,036,000, to remain available until expended, of which $6,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds made available under this heading for fiscal year 2011, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2011; and (2) by the awarding of a construction contract by September 30, 2012: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $507,700,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $85,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $46,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2011 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2011, in this Act or any other Act, under the ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'' accounts may be transferred among the accounts: *Provided*, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the ''Medical facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2010.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2011, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the ''General operating expenses'' and ''Information technology systems'' accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2011 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2011 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $35,794,000 for the Office of Resolution Management and $3,354,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the ''General operating expenses'' and ''Information technology systems'' accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than $1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term ''rural Alaska'' shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''General operating expenses'', and ''National Cemetery Administration'' accounts for fiscal year 2011, may be transferred to or from the ''Information technology systems'' account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available for the ''Information technology systems'' account may be transferred between projects: *Provided*, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 222. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 223. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2011, in this Act or any other Act, under the ''Medical facilities'' account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: *Provided*, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

SEC. 224. Of the amounts appropriated or otherwise made available by this title, the Secretary may execute $5,000,000 for cooperative agreements with State and local government entities or their designees with a demonstrated record of serving veterans to conduct outreach to ensure that veterans in underserved areas receive the care and benefits for which they are eligible.

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Of the amounts appropriated to the Department of Veterans Affairs in this Act, and any other Act, for ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''Construction, minor projects'', and ''Information technology systems'', such sums as may be necessary, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of title XVII of division A of Public Law 111–84, and shall be available to fund operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by Section 706 of Public Law 110–417.

(INCLUDING TRANSFER OF FUNDS)

SEC. 226. Such sums as may be deposited to the Medical Care Collections Fund pursuant

to section 1729A of title 38, United States Code, for health care provided at the Captain James A. Lovell Federal Health Care Center may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of title XVII of division A of Public Law 111–84, and shall be available to fund operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 1706 of Public Law 110–417.

(INCLUDING TRANSFER OF FUNDS)

SEC. 227. Of the amounts available in this title for ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'', a minimum of $15,000,000, shall be transferred to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSION OF FUNDS)

SEC. 228. (a) Of the funds appropriated in the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (Public Law 111-117, Division E), the following amounts which become available on October 1, 2010 are hereby permanently cancelled from the accounts in the amounts specified:

''Medical services'', Department of Veterans Affairs, $1,015,000,000;

''Medical support and compliance'', Department of Veterans Affairs, $145,000,000; and

''Medical facilities'', Department of Veterans Affairs, $145,000,000.

(b) An additional amount is appropriated to the following accounts in the amounts specified, to become available on October 1, 2010 and to remain available until September 30, 2012:

''Medical services'', Department of Veterans Affairs, $1,015,000,000;

''Medical support and compliance'', Department of Veterans Affairs, $145,000,000; and

''Medical facilities'', Department of Veterans Affairs, $145,000,000.

SEC. 229. For an additional amount for the ''General operating expenses'' account, $23,584,000, to increase the Department's acquisition workforce capacity and capabilities: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further*, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further*, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided further*, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

SEC. 230. The Secretary of the Department of Veterans Affairs shall report to the Committees on Appropriations of both Houses of Congress within 30 days of enactment of this Act the planned funding allocation from each of the Veterans Health Administration accounts to the National Reserve Fund and any subsequent increase in these allocations of ten percent or more: *Provided*, That the Secretary shall notify the Committees of any planned obligation of the National Reserve Fund fifteen days before such obligation takes place, as well as the intended use of the funds.

SEC. 231. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in major construction projects that total at least $5,000,000, or five percent of the programmed amount, whichever is less: *Provided*, That such notification shall occur within 14 days after the date on which funds are obligated.

SEC. 232. The scope of work for a project included in ''Construction, major projects'', may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations, without prior notification to the Committees on Appropriations of both Houses of Congress.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $65,667,000, to remain available until expended: *Provided*, That of the amount made available under this heading, $1,000,000 shall be for improvements and rehabilitation of the Bataan Death March Memorial at the Cabanatuan American Memorial in the Philippines.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $90,147,000: *Provided*, That, of the foregoing amount, $62,000,000 shall be transferred to the General Services Administration for the construction of a courthouse to house the United States Court of Appeals for Veterans Claims: *Provided further*, That $2,515,229 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $39,600,000, to remain available until expended: *Provided*, That none of the funds available under this heading shall be for construction of a perimeter wall at Arlington National Cemetery. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $71,200,000, of which $2,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Military Construction, Army'', $929,996,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the amount appropriated, $10,000,000 shall be transferred to ''Department of Defense — Other Department of Defense Programs — Office of the Inspector General'', to be merged with and to be available for the same time period as the appropriation to which transferred, for the purpose of carrying out audits of military construction projects in Afghanistan: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $280,504,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $46,500,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

ADMINISTRATIVE PROVISIONS

SEC. 401. Unless otherwise specified, each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 402. None of the funds made available in this title may be obligated for architect

and engineer contracts estimated by the Government to exceed $500,000, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 403. None of the funds made available in this title may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That the Secretary of Defense may waive the limitation imposed by this section upon a determination that such limitation is inconsistent with national security: *Provided further*, That the Secretary of Defense shall notify the Committees on Appropriations of both Houses of Congress no later than five days following a decision to waive the limitation imposed in this section.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Such sums as may be necessary for fiscal year 2011 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 503. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 504. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 505. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 507. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 508. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 509. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 510. None of the funds made available in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

SEC. 512. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 513. None of the funds made available in this Act may be used for the processing of new enhanced-use leases at the National Home for Disabled Volunteer Soldiers located in Milwaukee, Wisconsin.

The CHAIR. No amendment is in order except those printed in House Report 111–570. Each such amendment may be offered only in the order printed in the report, may be offered by a Member designated in the report, shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

□ 1710

AMENDMENT NO. 1 OFFERED BY MR. HOLT

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–570.

Mr. HOLT. Madam Chair, I have amendment No. 1 at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 15, after the dollar amount, insert ''(reduced by $20,000,000) (increased by $20,000,000)''.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chair, I want to thank the Rules Committee for making this amendment in order and for the strong support and encouragement I have received in this effort from the chairman of the Military Construction and Veterans Affairs subcommittee. The gentleman from Texas' leadership of the subcommittee and his concern and compassion and advocacy for the needs of veterans is truly an inspiration.

Madam Chair, we have few responsibilities as solemn and as important as ensuring that our veterans receive the care that we have promised them as a Nation. To that end, my amendment directs the Department of Veterans Affairs to allocate $20 million for direct advertising, the use of online social media and other media for suicide prevention outreach. Let me take a moment to tell you why this issue means so much to me, and I would like to tell you about one very remarkable family from my central New Jersey congressional district.

A little over a week ago, on July 14, I had the privilege of introducing Mrs. Linda Bean of East Brunswick, New Jersey, to the House Committee on Veterans' Affairs. Linda was appearing before the Oversight and Investigations subcommittee to tell the story of how her son, Coleman, came to take his own life in September 2008. Linda made it clear why she had traveled to Washington to, I would say, courageously share her family's painful story: ''I owe a duty to my son and our debt to the men with whom Coleman served.''

You see, Coleman was a two-tour veteran of Operation Iraqi Freedom. Like so many of our troops who have served in Iraq and Afghanistan, Coleman developed post-traumatic stress disorder. In between and after those tours, he sought treatment for his PTSD. Because Sergeant Bean was a member of the Individual Ready Reserve, the so-called IRR—a pool of reserve soldiers not assigned to any unit but available for mobilization if needed—he could not get treatment for his condition because the Departments of Defense and Veterans Affairs refused to take ownership of Sergeant Bean and the thousands like him. A few weeks after Coleman took his life, the VA called to confirm his next appointment.

As Linda closed her testimony before the House Veterans' Affairs Committee, she relayed how one VA official had told her, ''If they won't walk through the door, we can't help them.'' Linda's response must be our response: ''Of course we can help them. It is our duty to figure out how, not theirs.''

Earlier this year, I secured the inclusion of a suicide prevention provision in the annual defense authorization bill that would require the Secretary of Defense to conduct periodic telephone or in-person outreach and counseling calls to reservists like Coleman. The idea is to check on the IRR member's mental, emotional and professional well-being and to identify and treat any IRR

members who are deemed to be at risk of harming themselves.

Because the other body has thus far failed to act on the fiscal year 2011 authorization, I have sent a letter to Secretaries Gates and Shinseki asking that they take whatever administrative action is necessary to reach out and monitor this very large pool of at-risk reservists. I have also asked that they meet with Greg and Linda Bean and explain in detail what those departments intend to do to prevent other Iraq and Afghanistan war veterans from suffering Coleman's fate.

Our commitment to reducing suicides among our veterans must be comprehensive and unwavering. This amendment today is designed to give the VA the resources and the direction to get appropriate and broad-based outreach under way as soon as President Obama signs this bill. I hope this amendment will be supported on a bipartisan basis, because, as Linda Bean says, ''It's not their job to figure out how, it's ours.''

I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I just want to commend the gentleman for his leadership on this effort. It is a heartbreaking tragedy every time a veteran takes his or her life as a result of their service to our country. I look forward to working with the gentleman and with the gentleman from Florida (Mr. CRENSHAW) and the gentleman from Tennessee (Mr. WAMP) as we go to conference committee to see that we do more than everything that is already being done to see that we prevent suicides from occurring.

If we save one life, then the gentleman's and our service here in Congress will have been time well served.

Mr. HOLT. I thank the gentleman.

In closing, I would say there are tens of thousands of people who will be helped.

The CHAIR. The time of the gentleman has expired.

Mr. CRENSHAW. Madam Chair, I would like to claim the time in opposition, although I'm not necessarily opposed to the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. CRENSHAW. Madam Chair, I just want to also commend the gentleman for offering this amendment. I think so often we have resources that are available like this that sometimes our veterans are not aware of. I think we've made great strides in dealing with this. We have a suicide prevention hotline we're working every day, but I think he makes an excellent point that so often people are not aware of the services they might avail themselves of.

I commend him for this. I would certainly favor this amendment so that we can get the word out to know that we're trying to help folks.

Mr. KENNEDY. Will the gentleman yield?

Mr. CRENSHAW. I yield to the gentleman from Rhode Island.

Mr. KENNEDY. I appreciate the gentleman's yielding.

I too want to join in paying tribute to the gentleman from New Jersey for this amendment and also to the chairman, Chairman EDWARDS, for his diligence to this mental health issue in the bill.

As I said earlier, these wounds may be invisible but they're not invisible to the members of our uniform who are suffering from them. I think it may not come as a surprise to most people that those servicemembers dying of suicide outnumber those who are killed in action. And that does not include our veterans. It wasn't until this defense bill that we just passed that we included a provision that the President of the United States would actually send a letter of condolence to the family of those who had taken their life in the field, and we all know what the pressures are on those individuals: more tours of duty, longer times away from their families, and more stress.

The fact of the matter is I think that this work that you're doing, RUSH, is to be commended. I think it is also important for everyone to note that this historic health bill that we just passed will encompass 72 percent of all veterans who will get their care thanks to this Congress' work to include mental health parity in the health care reform bill that was just passed. Seventy-two percent of all vets will never see the VA for their health care but, rather, through private health insurance. And this Congress passed legislation making it illegal for them to be discriminated against based upon health status, whether it be mental, physical, and we all know that mental now is a neurological disorder.

Thanks again for your good work. Again thank you to the chairman and ranking member for their good work on this.

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

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BUYER

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–570.

Mr. BUYER. 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:

Page 34, line 7, before the period at the end insert the following: '': *Provided further*, That of the funds made available under this heading, $10,000,000 shall be available to increase the number of Department of Veterans Affairs employees who administer benefits under chapter 31 of title 38, United States Code''.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Indiana (Mr. BUYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Madam Chair, I rise today in support of my amendment to H.R. 5822. This amendment would fence off $10 million in the VA's general operating expenses account.

The goal of the VA's vocational rehabilitation and employment program is to put disabled veterans back to work or, for the most severely disabled, to live as independently as possible.

VA's counselors currently have an average caseload of over 130 disabled veterans. Because of the heavy workload which includes a significant amount of case management and regular interaction with their clients, the time to actually enter vocational training is nearly six months. That is on top of the average of the 6 months it takes to receive a disability rating needed to even become eligible for this benefit.

The $10 million included in this amendment would fund one hundred additional professional level staff and will be a small step towards reducing the caseload to a more manageable average of 100 per counselor thereby shortening the time it takes to begin training. For many veterans and servicemembers VR&E training is the bridge to meaningful and productive employment.

I urge all members to vote in favor of my amendment to H.R. 5822.

□ 1720

I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I want to commend Mr. BUYER for offering this amendment.

Without this amendment, the VA would actually be reducing at the very worst time the number of vocational rehab employees. We ought to be increasing those numbers, and that's what we will be doing with this, particularly given a lot of our troops coming back from Iraq and Afghanistan are having difficult times finding jobs. They need this support.

The VA gets a lot of things right, but I don't think they got this part of their budget right. And I thank the gentleman for correcting it, and it's a privilege to support his amendment.

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

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. BUYER

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–570.

Mr. BUYER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 38, line 18, before the period insert the following: '': *Provided further*, That of the funds made available under this heading, $162,734,000 shall be for renewable energy projects at Department of Veterans Affairs medical facility campuses pursuant to section 8103 of title 38, United States Code''.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Indiana (Mr. BUYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. I ask unanimous consent to modify my amendment.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 3 offered by Mr. BUYER:

The amendment as modified is as follows:

Page 54, after line 2, insert the following:

SEC. ____. Of the amounts made available for fiscal year 2011 for ''Medical Facilities'' in Public Law 111-117, $162,734,000 shall be available for renewable energy projects at the Department of Veterans Affairs medical facility campuses subject to section 8103 of title 38, United States Code.

The CHAIR. Is there objection to the modification?

Without objection, the amendment is modified.

There was no objection.

The CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. I will proceed on the modified amendment.

After discussion with Chairman EDWARDS and with the ranking member, Mr. CRENSHAW, we've all agreed to a better way forward on the amendment. So I appreciate your efforts on the modification.

Accordingly, what we're seeking to do here is overcome some challenges that we have with regard to the advance appropriation and how dollars can be dedicated to particular uses. So the Appropriations Committee has worked with me, and for that I am deeply appreciative.

I want to express my thanks to Chairman EDWARDS and to Mr. CRENSHAW. Both of you have been very good friends. I respect your leadership, and I appreciate your good faith in working with myself and my staff.

Over the years, the 18 years I've been here, the years I've been privileged to work in leadership as chairman and as ranking member, I have respected the interoperability and cooperation between the Appropriations staff and the authorizers. It has worked really, really well. At times they can disagree, but they can professionally work it out. I've been impressed by that, and it has continued.

So I want to thank you for that. And this is a prime example. This is one of them whereby I look back to 2008 when we wanted to do these renewable energy projects, and you were challenged at the time because the Speaker didn't want renewable projects in the bill, but you agreed that this was something that we needed to do and tried to figure out how we're going to do it.

So I recognize it couldn't be done at the time, but it was something that you also embraced and supported. And I went on down the street like I said I was going to do, and we did 16 of these renewable energy projects. Then we come back in 2009, you and I do a colloquy, and we're $147 million already down the road. That's how far we're into this now, Chairman EDWARDS and Mr. CRENSHAW, and this is a good thing.

The VA, such a very large enterprise, large consumer of energy and being the second largest department here of government, what you're doing here in this green management and renewable energy, geothermal, wind, solar, this is smart. It really is. It's smart what you're doing. So I really want to thank you for doing this.

We've got more projects identified. They're around 60. These moneys will allow the VA to stay on track on their timelines, and I really appreciate your working with me to do this.

I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I just want to commend Mr. BUYER for his leadership. This is not the first time he has come to the floor fighting for renewable energy projects and conservation projects for the VA. And as he leaves Congress at the end of this Congress, I want to thank him for this effort. Every dollar we save by conservation investments and renewable energy investments is a dollar that's either back into the taxpayers' pocket or a dollar that goes to actually provide better health care for America's veterans. So that's why I'm enthusiastic in my support of this amendment, and I commend the gentleman for his authorship of it.

Mr. BUYER. Reclaiming my time, I also want to extend my appreciation to Secretary Shinseki for his work and the previous Secretary.

I yield back the balance of my time.

The CHAIR. The question is on the amendment, as modified, offered by the gentleman from Indiana (Mr. BUYER).

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BUYER

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–570.

Mr. BUYER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, line 7, before the period at the end insert the following: '': *Provided further*, That of the funds made available under this heading, $8,000,000 shall be available to fund the adaptive sports grant program under section 521A of title 38, United States Code, and $2,000,000 shall be available to carry out section 322 of title 38, United States Code''.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Indiana (Mr. BUYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Madam Chair, I rise today in support of my amendment to H.R. 5822, as reported.

This amendment would provide $10 million in VA general operating expense funding for the VA-US Paralympic Adaptive Sports Grant Program.

Madam Chairwoman, several years ago I had the opportunity to visit the U.S. Olympic Training Center in San Diego. From that moment we then set the course to restructure the United States Olympic Committee. Once we did that, by the relationships that developed, by the reorganization of the Olympic Committee, we then became a Nation at war. I then sought to leverage these relationships with the VA and their sports programs.

I looked at this and how we can use sports as a platform for healing, and you know, when I looked back on this, yes, you know, we moved out and we embraced it. I started at the top and probably should have started at the bottom. I started where I started and it was with the Olympics, the Olympic Committee. Not everyone is an Olympian. That's the reality of this. Not everyone was blessed with an Olympic body or the mind or the will. But it's how do we, as a Nation, use sports as a platform for healing? And most of our warriors are athletes. And so when they get injured, how do we inspire them?

Now, when we brought the Olympic Committee and the sports programs from the VA together, we were able to leverage that whereby our military athletes then could actually have an avenue to be part of the Olympic team. And that has, in fact, happened and has been done.

Last year—and I want to thank Chairman EDWARDS—he supported the $10 million that went into this adaptive sports program.

□ 1730

The Olympic committee helps with this grant program now to take the same ideal, the Olympic ideal, and move it out to all the communities across the country. And so an individual who may not be an Olympian can be an Olympian of their own community, can actually compete. It is that competition—it's not the winning. It's have you improved yourself, have you bettered your time, and making someone feel good about that, this Adaptive Sports program, whereby it's done at the local level and then builds up is really good, and this is a very good program. We're in our infancy, and I want to thank the chairman and for supporting this last time.

So the concept I think is pretty simple. I do have some pictures here I'd like to share with everyone. This is a picture of disabled veterans and servicemembers running the 100 meter dash at the Warrior Games in Colorado Springs, Colorado, and this was in May of this year. And when you see this running the 100 meter dash, you know we've got a mixture here. This gentleman lost—this is a below the ankle, here is a below the knee amputation, and this is a double amputation, and they're sprinting the 100 meter dash. Think about the inspiration that they have. I mean, these warrior athletes are truly remarkable.

I want to show you another photo of a double amputee. This Olympian right here during the winter games, this is Heath Calhoun, a Paralympian, and this was in Vancouver in March of this year. Mr. Calhoun is an Army Ranger. He was wounded when a rocket-propelled grenade hit his Humvee while he was serving in Iraq. He lost both legs as a result of that attack. His grandfather served in World War II, his father served in Vietnam, and he then sought to serve his country and lost both legs. He dedicated himself then to overcome this challenge and made the United States Olympic team and competed in Vancouver.

So these Olympians also then mentor and aspire others into the Adaptive Sports Grant Program. So this is remarkable. This is building off the Olympic ideal to really help our warriors, and we're achieving the goal, and that is to use sports as a platform for healing.

So $10 million can be a lot of money, but talking about what we get out of this, the intangibles that we can get out of this, when these men and women that go through this feel so good about themselves and take their bodies to new levels, guess what? They feel good about their families, they feel good about their jobs, and our goal here is to make sure that they can live as full a life as they possibly can.

That's what we want to do.

The CHAIR. The time of the gentleman has expired.

Mr. CRENSHAW. Madam Chair, I claim the time in opposition, although I'm not necessarily opposing this amendment.

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

There was no objection.

Mr. CRENSHAW. I just wanted to say that I think this is a wonderful program. I'm a little bit aware of that because in my home district in Jacksonville, Florida, there's an organization called the Wounded Warriors, and they work in conjunction with this program, and I've had the chance to visit that program to see and meet some of these Wounded Warriors.

The thing that I hear over and over again is they say this is something that gives us our spirit back. We can compete. We can enjoy life. We can be with our families, and I think it is something that is very, very worthwhile and commend the gentleman for bringing it up.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. CRENSHAW. I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I just want to commend him and commend Mr. BUYER for this effort. These photographs are an inspiration to all of us, to our veterans, to our Wounded Warriors, but to every American. This program is an inspiration to our Wounded Warriors, our veterans, and all Americans who hear about it. I am in full support of this amendment. I also want to thank again Mr. BUYER, along with Mr. PERLMUTTER and Mr. LANGEVIN, who over the last several years have been real champions, along with Mr. BUYER, of this program, and again, I'm honored to support the amendment.

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

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. CUELLAR

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–570.

Mr. CUELLAR. 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:

At the end of the bill (before the short title), add the following new section:

SEC. 5____. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Madam Chair, my amendment is a commonsense amendment that ensures no taxpayers dollars will be used to purchase first-class tickets for employees of agencies funded by this bill except in special circumstances as allowed under law.

This is, again, important because it does prohibit unapproved first-class travel and offers a direct method of guidance by referencing the Code of Federal Regulations to prohibit this type of premium travel for Federal employees.

I think the chairman is in agreement with me that this is a way to save taxpayer dollars, and he's in agreement with this amendment.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I am glad to support this amendment.

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

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–570.

Mr. FLAKE. 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:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act shall be available from the following Department of Defense military construction accounts for the following projects:

Account	Location	Project	Amount
Army	Alabama: Fort Rucker	Emergency Medical Services Facility	$1,700,000
Air Force	Alabama: Maxwell AFB	Air Traffic Control Tower	$810,000
Defense-Wide	Arizona: Marana	SOF Parachute Training Facility	$6,250,000
Army NG	Arkansas: Camp Robinson	Regional Training Institute, Ph 2	$2,334,000
Navy	California: Coronado NAB	MESG-1 Consolidated Boat Maintenance Facility.	$6,890,000
Air Force	California: Los Angeles AFB	Parking Structure, Ph 2	$4,500,000
Air NG	California: Moffett Field	Relocate Main Gate	$2,000,000
Navy	California: Monterey NSA	International Academic Instruction Building	$11,960,000
Army NG	California: Sacramento	Field Maintenance Shop Paving	$891,000
Air Force	California: Travis AFB	BCE Maintenance Shops and Supply Warehouse.	$387,000
Army NG	California: Ventura	Renewable Photovoltaic Solar Power	$1,466,000
Air NG	Colorado: Buckley AFB	Repair Taxiways Juliet and Lima	$4,000,000
Army NG	Colorado: Watkins	Parachute Maintenance Facility	$3,569,000
Navy	Connecticut: New London NSB	Submarine Group Two Headquarters	$550,000
Air Force	Florida: MacDill AFB	Infrastructure Improvements	$249,000
Navy	Florida: Panama City NSA	Land Acquisition-9 Acres	$5,960,000
Navy	Georgia: Albany MCLB	Maintenance Center Test Firing Range	$5,180,000
Air Force	Georgia: Robins AFB	Combat Communications Squadron Warehouse.	$5,500,000
Army NG	Illinois: Marseilles Training Area	Simulation Center	$2,500,000
Air Force	Illinois: Scott AFB	New Fitness Facility, Ph 1	$396,000
Navy	Indiana: Crane NSWC	Platform Protection Engineering Complex	$760,000

Account	Location	Project	Amount
Army NG	Iowa: Camp Dodge	Regional Training Institute, Ph 1	$800,000
Air NG	Iowa: Des Moines	Corrosion Control Hangar	$4,750,000
Army NG	Iowa: Iowa City	Simulation Center/MVSB/ Helipad/Parking	$1,999,000
Army NG	Kentucky: Frankfort	Joint Forces Headquarters, Ph 1	$281,000
Air NG	Kentucky: Standiford Field	Contingency Response Group Facility	$534,000
Air NG	Louisiana: New Orleans NAS/JRB	ASA Replace Alert Complex	$2,000,000
Navy	Maine: Portsmouth NSY	Consolidation of Structural Shops, Ph 1	$11,910,000
Army NG	Maryland: Easton	Readiness Center Add/Alt	$347,000
Army	Maryland: Fort Meade	Infrastructure-Mapes Road & Cooper Avenue	$1,750,000
Navy	Maryland: Patuxent River NAS	Atlantic Test Range Addition	$10,160,000
Air NG	Massachusetts: Barnes ANGB	Add to Aircraft Maintenance Hangar	$6,000,000
Army NG	Michigan: Fort Custer (Augusta)	Troop Service Support Center	$446,000
Air NG	Minnesota: Duluth	Load Crew Training & Weapons Release Shops.	$8,000,000
Army NG	Minnesota: Mankato	Field Maintenance Shop	$947,000
Defense-Wide	Mississippi: Stennis Space Center	SOF Land Acquisition, Ph 3	$8,000,000
Air Force	Missouri: Whiteman AFB	Consolidated Air Operations Facility	$23,500,000
Army NG	Nevada: Las Vegas	Civil Support Team Ready Building	$8,771,000
Air NG	New Jersey: Atlantic City IAP	Fuel Cell and Corrosion Control Hangar	$8,500,000
Army Reserve	New Jersey: Fort Dix	Automated Multipurpose Machine Gun Range.	$9,800,000
Air Force	New Mexico: Holloman AFB	Parallel Taxiway, Runway 07/25	$8,000,000
Air Force	New Mexico: Kirtland AFB	Replace Fire Station 3	$6,800,000
Army	New York: Fort Drum	Alert Holding Area Facility	$6,700,000
Air Reserve	New York: Niagara Falls ARS	C-130 Flightline Operations Facility, Ph 1	$9,500,000
Army NG	New York: Ronkonkoma (MacArthur Airport).	Flightline Rehabilitation	$2,780,000
Air NG	New York: Stewart ANGB	Aircraft Conversion Facility	$3,750,000
Army NG	North Carolina: Camp Butner	Barracks (AT), Ph 1	$1,484,000
Army NG	North Carolina: Morrisville	AASF 1 Fixed Wing Hangar Annex	$8,815,000
Army NG	North Carolina: Murphy	Fire Fighting Team Support Facility	$223,000
Air Force	North Carolina: Pope AFB	Crash/Fire/ Rescue Station	$13,500,000
Air Force	North Dakota: Grand Forks AFB	Central Deployment Center	$495,000
Army NG	Ohio: Camp Sherman	Maintenance Building Add/Alt	$3,100,000
Army NG	Ohio: Ravenna Training Site	Unit Training Equipment Site Add/Alt	$2,000,000
Air NG	Ohio: Toledo Express Airport	Replace Security Forces Complex	$7,300,000
Defense-Wide	Oklahoma: Tulsa IAP	Fuels Storage Complex	$1,036,000
Army NG	Oregon: Salem	Armed Forces Reserve Center Add/Alt (JFHQ).	$1,243,000
Air NG	Pennsylvania: Fort Indiantown Gap	Multipurpose Air National Guard Training Facility.	$675,000
Army NG	Pennsylvania: Hermitage	Readiness Center	$671,000
Army NG	Pennsylvania: Tobyhanna	Armed Forces Reserve Center	$1,513,000
Army NG	Pennsylvania: Williamsport	Field Maintenance Shop	$1,508,000
Army NG	Rhode Island: Middletown	Readiness Center Add/Alt	$3,646,000
Army NG	Rhode Island: Quonset Point	Readiness Center	$3,729,000
Air NG	South Carolina: McEntire JRB	Replace Operations and Training Facility	$9,100,000
Air NG	South Dakota: Joe Foss Field	Aircraft Maintenance Shops	$3,600,000
Air Force	Tennessee: Arnold AFB	AEDC Power Distribution Modernization	$378,000
Army	Texas: Corpus Christi Depot	Rotor Blade Processing Facility, Ph 2	$13,400,000
Army	Texas: Fort Bliss	Alternative Energy Projects	$1,166,000
Army	Texas: Fort Bliss	Rail Yard Improvements	$2,070,000
Army	Texas: Fort Hood	Soldier Readiness Processing Center	$1,000,000
Navy	Texas: Kingsville NAS	Youth Center	$2,610,000
Air Force	Texas: Lackland AFB	Consolidated Security Forces Ops Center, Ph 1.	$900,000
Air Force	Texas: Laughlin AFB	Community Event Complex	$10,500,000
Army NG	Texas: Laredo	Receiving, Staging, & Onward Integration Facility/Hangar.	$475,000
Army NG	Texas: McLennan County	Operational Reserve Headquarters	$5,000,000
Army NG	Texas: South Texas Training Center	Cantonment and Support Infrastructure	$5,000,000
Army	Virginia: Fort Belvoir	Growth Support Infrastructure	$3,060,000
Air Force	Virginia: Langley AFB	Clear Zone Land Acquisition, Ph 1	$3,000,000
Defense-Wide	Washington: Fort Lewis	SOF Military Working Dog Kennel	$4,700,000
Navy	Washington: Kitsap NB	Charleston Gate ECP Improvements	$6,150,000
Army NG	West Virginia: Bridgeport	FWAATS Apron Expansion	$2,000,000
Army NG	West Virginia: Bridgeport	FWAATS Expansion	$2,000,000
Army NG	West Virginia: Glen Jean	Emergency Power Generator	$1,500,000
Army NG	Wisconsin: Wausau	Field Maintenance Shop	$12,008,000
Army NG	Guam: Barrigada	Joint Forces HQ Readiness Center Add/Alt	$778,000

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chair, this amendment is straightforward.

It would simply prevent the funding of all Member-requested earmarks in the bill. It would return the funds to the original accounts. I'm not here to dispute the merits of these projects. I have no doubt that some of those projects are worthwhile and would improve the quality of life for our military servicemembers and their families, but that's not what is at issue here.

At issue, again, as I pointed out before, is the spoils system that this process of earmarking represents. This year's Military Construction-VA appropriations bill shows that the spoils system is alive and well. It's happened in previous years, and it's no different this year. The only difference here is we have basically just one party engaging in it, and so the spoils are even more concentrated in fewer Members.

Let me just put this chart up here. These are the FY 2011 earmark dollars associated with powerful Members of

Congress. By powerful Members I mean those who are on the Appropriations Committee, those who are in leadership, or those who are chairmen of committees. And if you look at the appropriations bills that have gone through either the subcommittee or full committee on appropriations, you see this appropriations spoils system in action here.

This looks like a Pacman chart here with a hungry Pacman here. The red represents the percentage taken by powerful members. In the Homeland Security bill, 52 percent of the earmark dollars go to powerful Members. Fifty-two percent go to just 13 percent of this body; CJS bill, 57 percent; Agriculture, 76 percent; THUD, 42 percent; and MILCON VA, what we're doing now, 51 percent.

More than half of the earmark dollars in this legislation are going to just 13 percent of the Members in this body. Madam Chair, that is simply not right. We shouldn't be doing this. Yet year after year we do it. No matter what kind of reforms we enact, we still have the spoils system alive and well.

I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

□ 1740

Mr. EDWARDS of Texas. Madam Chair, I respect the gentleman. He takes a principled position on congressionally sponsored projects, but I strongly oppose this amendment.

The Flake amendment, regardless of its intentions, would cut $163 million out of important military construction projects for the National Guard and Reserves, which are playing a key role in our war in Iraq and Afghanistan.

This amendment would cut $57 million out of force protection, safety and security forces facilities, including more secure entrance gates at our military installations, fire stations to protect our troops and their families on posts.

The Flake amendment would cut $30 million from quality of life facilities—much needed by our troops and earned by our troops, deserved by our troops—barracks, youth and community centers, roads. It cuts 44 projects that are in the Department of Defense's Future Years Defense Program.

One of the programs this would cut is $1 million I put in this bill as an earmark to provide for a new Soldier Readiness Processing Center at Fort Hood so those soldiers, over 40,000 serving there, will not have to go through a processing center which was the site of the murder of 12 of their Army comrades and one civilian just months ago.

A ''yes'' vote on this amendment will cut these kinds of worthy projects.

Now, Mr. FLAKE will claim and has claimed that DOD will still have the money to spend, but that's not correct because this amendment is flawed in the way it's drafted because—well, first of all, let me say that let's at least get rid of the pretence that cutting earmarks would save taxpayer dollars if he says, well, this money could still be spent by DOD.

But the reality is, because of the flawed nature of the way this amendment was put together, it would be the best—the worst, actually, of both worlds. One, it wouldn't save taxpayers' dollars because the appropriations would go to the Department of Defense; but because it would be in an account for programs not authorized, that money could not be spent for all of the worthwhile kinds of projects that I have just mentioned.

Let me put in perspective what we are talking about here. This is a $140 billion bill. Less than three-tenths of 1 percent of this bill was designated by Members of Congress working with community leaders, military leaders, military base leaders.

If I can ask my staff for a chart, I would just like to show, in perspective, what a small part of this total bill actually goes to congressionally sponsored projects.

Now, Mr. FLAKE apparently has more trust in the Obama administration than I did. I don't think bureaucrats in Washington are right 100 percent of the time, and it's not wrong—in fact, it's right—to say that Members of Congress, working with military leaders and community leaders, ought to have some voice in where their taxpayers' dollars go.

Madam Chair, I want to point out this is a chart. This graph shows how much is spent in this bill. The part of the bill that Mr. FLAKE is objecting to is this red part right here. Probably from that side of the aisle it would be very, very hard to see it.

But I just want people to understand that the administration gets a voice on this amount of money in the bill. Members of Congress working with military leaders get a voice on this amount. This is what we are talking about.

But I want to talk and say this amount is significant because, if this amendment were to pass, and I hope it will not and I do not believe it will, it would harm important quality of life and protection projects for our service men and women. It would kill a major initiative in this bill to increase funding for the National Guard and Reserves who are playing a vitally important role in Iraq and Afghanistan.

May I inquire how much time I have remaining?

The CHAIR. The gentleman has 1 minute remaining.

Mr. EDWARDS of Texas. I would yield that time to my colleague Mr. ORTIZ.

Mr. ORTIZ. I rise in opposition to the Flake amendment. This amendment would seek to strike certain modifications to the Military Construction appropriations bill.

I believe that it is essential that this body work with the administration and determine a budget that is best for the Nation. I believe that the process that my subcommittee and Chairman EDWARDS' subcommittee has put in place accomplishes this goal.

For example, the projects that this amendment would seek to strike have been individually reviewed by the administration for cost and the way it's going to be executed. The projects are carefully compared against a very long list of requirements that the Department of Defense has generated. These projects have been included in the National Defense Authorization Act for Fiscal Year 2011 that this body has recently passed.

Finally, all of these military construction projects that are included at the end of this process, including all of the projects that this amendment seeks to strike, will be competitively awarded.

The CHAIR. The time of the gentleman has expired.

The gentleman from Arizona has 3 minutes remaining.

Mr. FLAKE. Madam Chair, I yield the gentleman another 30 seconds if he wants to finish.

Mr. ORTIZ. We cannot forget the fact that we are involved in two wars. We have soldiers stationed in 120 countries. Whatever we do today, let's do it for our servicepeople. They are my sons and your daughters and family here who are serving our country.

Mr. FLAKE. Madam Chair, I plan to withdraw this amendment. I had planned to from the beginning. What I wanted to do was come down here and explain the spoils system that this kind of earmarking represents.

The problem, the gentleman mentioned that this amendment is crafted in a way that it would prohibit the spending of money on these projects. It would. The problem is there is no way to craft an amendment that wouldn't do that.

What we have here is a situation where we simply can't go in and say this is a good earmark and this is not, not through this process. That's part of the whole flawed aspect of what we are doing here and why we need to change this.

But the gentleman is correct, we shouldn't give the administration a free ride to say this is where things ought to be spent. We have the power of the purse. This is article I stuff, and we ought to exercise it.

The problem I have is we basically exercise authority over that much of it and leave the administration with this, instead of saying, through the process of authorization, appropriation, and oversight, we have more control of what the administration is doing.

Instead, we say we don't like the way you are spending this money—we say that to the executive branch—so we are going to run a little parallel track in the Congress where we determine where this much goes. Then when we determine where this much goes, 51 percent of it goes to just 13 percent of this body.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I appreciate that, and I do respect his principled position on this, not with just this bill but with other bills.

I just want to point out the reason we don't spread out earmarks evenly among 435 Members is military bases in the United States are not spread out evenly among 435 congressional districts. So it is logical and it makes sense and it's good policy that Members that represent military bases get more earmarks than Members that don't represent military bases.

Mr. FLAKE. I think that is a valid point; although, I would argue that Members with military bases don't necessarily align with the 13 percent represented in this chart.

But I would again, before asking unanimous consent to withdraw this amendment, make the case, we will be dealing with another appropriation bill tomorrow that is cleaner than this one in terms of being able to target earmarks and prohibit funding for them and actually save money. The way this bill is structured makes it difficult to do that, but I recognize it.

I just wanted to make the point and to drive it home again, through the process of authorization, appropriation, and oversight, we can do a far better job.

The CHAIR. The time of the gentleman has expired.

Mr. FLAKE. Madam Chair, I ask unanimous consent to withdraw the amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 7 OFFERED BY MR. HILL

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–570.

Mr. HILL. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 15, after the dollar amount, insert ''(reduced by $100,000) (increased by $100,000)''.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Indiana (Mr. HILL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. HILL. I want to thank Chairman EDWARDS for crafting this critically important bill for our Nation's veterans.

My amendment simply removes funding from the VA General Operating Expense Account and replaces it back in the very same account. My intent in doing this is to highlight an issue for my colleagues and for the VA.

I believe that the VA needs to examine its practice in how it accounts for returned post-9/11 GI benefit payments and that the VA should submit a report to Congress no later than January 1 of 2011 on changes they intend to make to ensure accurate, timely, and efficient accounting of any returned post-9/11 GI benefit payments.

□ 1750

I, along with many of my colleagues, enthusiastically supported the Post-9/11 Veterans Education Assistance Act of 2008. This law provides qualified veterans with a full 4-year college scholarship, restoring a commitment our country made to our World War II-era veterans.

I believe that the Post-9/11 GI bill can spark another period of economic growth and prosperity for the current generation of veterans, much like the Montgomery GI bill did for the previous generation of veterans. That is why I believe it is so critical that this bill be implemented accurately.

I understand that the VA legitimately requires some payments to veterans and universities to be returned. There can be instances of a student taking fewer classes than what was originally thought, accidentally duplicating payments. This is reasonable to an extent. I believe that these funds need to be accounted for accurately; however, this is a two-way street. It has come to my attention that there has been some difficulty with the VA to properly and accurately account for returned payments from universities and veterans alike. In some instances, this has resulted in the VA withholding further Post-9/11 educational benefit payments to the student in question as they are credited with an outstanding debt despite having already paid back the necessary accounts. This is even after the returned checks have been cashed by the VA. This issue needs to be addressed in a timely manner.

I do not believe that the VA is acting with any malice in this measure, far from it. I applaud the work that the VA is doing to improve the lives of veterans. They deserve this benefit, but they deserve for it to work for them.

Madam Chair, I yield to the chairman, Mr. EDWARDS, for the purpose of a colloquy.

Mr. EDWARDS of Texas. I thank the gentleman. I support this amendment.

Through no one's malicious intentions, students—our veteran servicemen and -women or their children using the new 21st Century GI Bill—are being punished for mistakes that they did not make, perhaps paperwork mistakes by a school administration or by the VA. The result can be that sometimes students can have halted their additional GI benefits in order to continue college. So this is really an important issue. I salute the gentleman. We are going to see that this issue is solved with his leadership, and I look forward to working with him.

Mr. HILL. I thank the chairman for his support.

This issue was brought to my attention by Indiana University, which is a university that I represent back home in Indiana. I have also been working with a community college, Ivy Tech in Indiana, with the same problem.

I thank the chairman for his support for this amendment, and I encourage my colleagues to support it as well.

Madam Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. HILL).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. GINGREY OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–570.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. 5____. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to exercise the power of eminent domain (to take private property for public use) without the payment of just compensation.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Madam Chairman, my amendment would prohibit funds in the bill from being used to exercise eminent domain without just compensation to the individuals involved. This is necessary because the Kelo v. City of New London Supreme Court decision expanded the so-called ''public use'' provision of the takings clause of the Fifth Amendment. This decision allows State and local governments to practice eminent domain for the benefit of one private party over another.

In this specific case, Madam Chairman, the City of New London, Connecticut, used its eminent domain authority to actually seize private property to sell to private developers in order to aid a struggling economy in the name of economic development, but not specifically in the traditional interpretation of ''public use.''

Justice John Paul Stevens' majority opinion states that the Fifth Amendment does not require a literal ''public use.'' However, the Fifth Amendment of the document this Nation holds sacred—and I have it right here with me all the time, Madam Chairman—the Fifth Amendment of this document clearly reads: ''Nor shall private property be taken for public use without just compensation.''

This decision represents the disparity between constitutional interpretation and, yes, judicial activism. Governments should solely be allowed to compel an individual to forfeit their property for the public's use, but not for the benefit of another private person.

I agree with the dissenting views in the case which point out that the decision is an intrusion into private citizens' lives, and it picks winners and losers in the private market at the cost of an individual losing their personal property.

Madam Chairman, according to the Fifth Amendment to the Constitution, all levels of government have a responsibility and a moral obligation to defend the property rights of individuals and only exercise eminent domain when it's necessary for public use—the literal interpretation of public use—and then just compensation is paid to those affected individuals. Any execution of eminent domain by State and local governments that does not specifically adhere to these requirements constitutes an abuse of government power and a usurpation of the individual property rights as indeed defined in the Fifth Amendment.

My amendment would take one step toward ensuring that property rights of citizens are protected and they are justly compensated when they are taken for public use.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. GINGREY of Georgia. I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I want to thank the gentleman. I will support his amendment.

I want to make it clear there is nothing, to my knowledge, in this bill intended to allow the exercise of eminent domain without payment of just compensation, but I believe in the principle of just compensation, and I would be glad to support the gentleman's amendment.

Mr. GINGREY of Georgia. Madam Chairman, reclaiming my time, I thank Mr. EDWARDS for that commitment. I certainly appreciate his comments.

Again, I would urge all of my colleagues to support the amendment. Let's end this abuse of eminent domain. Eminent domain is necessary, but it is being abused; this definition of which, with the help of very liberal interpretations by the Supreme Court in some cases, has been blurred to seemingly allow one private entity to benefit over another. That, as the gentleman from Texas indicated, is the intent of the amendment, and I am very grateful for his support.

Madam Chair, I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. GINGREY OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–570.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to renovate or construct any facility in the continental United States for the purpose of housing any individual who has been detained, at any time after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Madam Chairman, I rise today to offer an amendment to ensure that no funds in this bill are used to construct or to renovate any facility in the United States to house Gitmo detainees.

Now, I realize that the majority will likely support my amendment given that the bill contains no funds for this purpose; but today, Madam Chairman, I want to challenge the Democratic majority to commit to adhering to an underlying principle, that being that it is wholly unnecessary to transfer the detainees and to close Guantanamo Bay, or Gitmo. No matter what appropriations bills we are considering—today, MILCON/VA, when we come back, DOD, Homeland Security, CJS—this fact still holds true.

□ 1800

We have spent hundreds of millions of dollars on the facilities at Gitmo, and the only reason we continue to debate its status is, quite honestly, Madam Chair, for public relations reasons.

As I witnessed most recently in April during my third site visit, the Gitmo detainees are treated with dignity and with respect. They are allowed access to their attorneys. They are allowed access to the International Committee of the Red Cross. They are provided with excellent medical care. As I am a physician Member, I know of what I speak. They are even allowed to live in a communal setting. If they were to consume everything provided to them on a daily basis, they would take in 5,500 calories per day. Indeed, most of them have gained anywhere from 15 to 25 pounds since they were originally detained. Their religious customs in all areas of their lives are respected, and they are provided with everything necessary to observe those customs.

If the world knew how we were actually treating these detainees, we would not be facing the prospect of spending hundreds of millions of dollars more—money that we don't have unless China will continue to lend it to us—to duplicate what we are already doing at Guantanamo Bay.

Madam Chair, transferring the detainees to the United States could eventually lead to their release on American soil, which would put our own citizens at risk. It could create significant immigration issues as aliens could become eligible for asylum or other forms of immigration-related relief from removal. It most certainly would make any facility where they are held a terrorist target.

Not surprisingly, Madam Chair, the American people are overwhelmingly opposed to closing Gitmo. In a March 2010 CNN/Opinion Research Corporation poll, 60 percent of Americans expressed that the United States should continue to operate the detention center at Guantanamo Bay. They understand that the battlefield is not limited to our military operations in Afghanistan and Iraq. They have recently witnessed two attempted attacks on our homeland in the skies over Detroit and, indeed, on the streets of New York City.

The American people know that the detainees located at Gitmo are not minor offenders by any means. These detainees include terrorist trainers, terrorist financiers, bomb makers, Osama bin Laden's bodyguards, terrorist recruiters, and would-be suicide bombers. Indeed, one of three adolescents originally detained is currently being tried by a military tribunal. Another, who was released after extensive efforts at rehabilitation, was subsequently killed on the battlefield after returning to the fight in Afghanistan.

Madam Chair, simply put, the American people believe that bringing Guantanamo Bay detainees to American soil for any purpose puts Americans at risk and is a national security threat. It is time this Congress listens to the collective voice of the American people and stops perpetrating the ''Washington knows best'' mindset.

I urge my colleagues to support my amendment on this bill—and on all other appropriations bills—to prevent the wholly unnecessary transfer of Gitmo detainees to American soil.

I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I claim time in opposition to the amendment, though I am not opposed to the amendment.

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

There was no objection.

Mr. EDWARDS of Texas. I will support this amendment, Madam Chair.

I do want to clarify that there is no funding in this bill of any type to fund any kind of facility to house detainees from Guantanamo. Having said that, I would be glad to support the gentleman's amendment.

I yield back the balance of my time.

Mr. GINGREY of Georgia. I want to thank my friend from Texas. In knowing him and his heart, I am not surprised that he would support this amendment, but I want to ask the gentleman a question.

Mr. EDWARDS, can I count on you to commit to supporting this amendment in future appropriations bills so that we can end the debate as to whether Guantanamo Bay should be closed once and for all?

I hope the gentleman will answer the question.

The CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

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

Mr. GINGREY of Georgia. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 10 OFFERED BY MRS. HALVORSON

The CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–570.

Mrs. HALVORSON. 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:

Page 33, line 15, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 36, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

The CHAIR. Pursuant to House Resolution 1559, the gentlewoman from Illinois (Mrs. HALVORSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Mrs. HALVORSON. I yield myself such time as I may consume.

Madam Chair, I would first like to take a moment and praise Chairman OBEY and Chairman EDWARDS for their continued commitment to caring for American veterans. Three-and-a-half years ago, their committee made a commitment and renewed the promise to care for those who have served in our armed services. They have kept that promise and have dramatically increased funding for our veterans by 70 percent since 2007.

As the only Member of Congress from Illinois who sits on the Veterans' Affairs Committee, I really can speak to the critical need that these funds have addressed for Illinois veterans.

Madam Chair, my amendment is simple. It adds $10 million to the VA Major Construction Project and subtracts $10 million from the general operating expenses. Much of the VA medical infrastructure is aging, outdated and, in many cases, obsolete.

According to the 2011 Independent Budget, which is written by some of the largest Veteran Service Organizations, a great number of current medical facilities were built after World War II and were constructed with structurally obsolete designs which ''typically do not meet the needs of modern health care delivery.'' The result of these outdated buildings has left the VA with a long list of major construction projects, which are just sitting there, waiting for congressional funding.

Right now, there are over 60 medical construction projects in the backlog. That means that there are over 60 locations that are in need of major construction, renovation, or modification. It means that there are 60 locations where our veterans are not receiving optimal care in modern facilities. Unfortunately, this bill was only able to address a total of five of these projects, and only two of them are new medical facilities.

With more women and men servicemembers transitioning from active duty to VA care and with multiple illnesses, such as PTSD and TBI, we will require even more new and modified medical facilities. Though $10 million is far less than what is needed to address these aging medical facilities' infrastructures and construction needs, the amendment will still play a role in ensuring that more veterans are receiving the care they deserve in a modern and quality health care facility. This amendment is also supported by the American Legion.

I urge my colleagues to stand up and to support modern medical facilities for our veterans and to vote ''yes'' on this amendment.

I reserve the balance of my time.

Mr. CRENSHAW. Madam Chair, I claim time in opposition, though I am not opposed to the gentlewoman's amendment.

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

There was no objection.

Mr. CRENSHAW. I have a couple of questions.

We have a process for building outpatient clinics. I just wondered: Does this amendment, in any way, try to circumvent the process? Does it direct where the money would be spent in any way?

I yield to the gentlewoman.

Mrs. HALVORSON. Absolutely not.

You have the amendment, as do I, and it just takes $10 million out of the general operating to put it into major construction.

You know, there are needs everywhere. I wish it were in some way to help my district. We have needs, but it does not help my district. This major construction is $28 million less than it was last year. So I would like to see that we gradually get it back up to the $28 million at least that it was last year.

Mr. CRENSHAW. Reclaiming my time, the amendment allows the VA to use this funding at any location that it seeks?

Mrs. HALVORSON. At any location anywhere. I wish I could say that it were for someplace special, but it is not.

Mr. CRENSHAW. Reclaiming my time, I would just point out to the gentlewoman that there is $1.166 billion for construction. That is $15 million above the request.

I can appreciate that the gentlewoman would like to spend even more and that she, apparently, is not trying to circumvent the process, because a lot of people would like to have clinics in their districts, and a lot of people have been waiting in line and have been watching this process work, but if it doesn't seek to spend it at any one location, then that is helpful to me.

I yield back the balance of my time.

□ 1810

Mrs. HALVORSON. Madam Chairman, our veterans deserve the best care in the world and at the best and most modern medical facilities, and that's why we're working to accomplish this here. And in this body we need to keep those promises. This is something that is very important, I think, to all of us here in Congress.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. HALVORSON).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. BILIRAKIS

The CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–570.

Mr. BILIRAKIS. 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:

Page 38, line 18, before the period insert the following: '': *Provided further*, That of the funds made available under this heading, $9,500,000 shall be for the acquisition, construction, and alteration of up to four post-acute long-term care residential brain injury medical facilities pursuant to section 8103 of title 38, United States Code''.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Florida (Mr. BILIRAKIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. BILIRAKIS. Madam Chair, my amendment would provide $9.5 million to acquire and construct up to four long-term care residential brain injury medical facilities.

The primary danger faced by our troops in Operation Enduring Freedom and Operation Iraqi Freedom comes in the form of improvised explosive devices. When an IED explodes, the blast wave can result in our servicemembers incurring catastrophic injuries including amputations, spinal cord injuries, visual and auditory impairments, traumatic brain injury, and posttraumatic stress.

Wounded warriors with these complex injuries require a high level of health care coordination with an interdisciplinary clinical support team and a wide range of specialized services. Since 2003, almost 2,000 severely injured servicemembers have received state-of-the-art care at one of the Department of Veterans Affairs four Polytrauma Rehabilitation Centers.

But what happens to these heroes when they are discharged? Some of them require intensive medical care for the rest of their lives. My amendment addresses the problem of how to provide ongoing recovery for these wounded warriors.

These heroes honorably served their country. Now we have to step up to meet our obligation to them. They need a place to go that will provide for post-acute long-term care, subacute residential rehabilitation, and outpatient day rehabilitation with the dignity, respect, and honor they have earned.

Their families, who are enduring the extreme stress of having one of their own come home with catastrophic injuries, also need this long-term care facility for their loved ones.

My amendment will enable the VA to construct facilities that are specifically designed to provide ongoing recovery for wounded warriors. Such facilities will enable families to visit in an atmosphere that is conducive to the rehabilitation and the reintegration.

These facilities will be paid for with existing funds within the VA's budget and will allow the VA to select locations that are close enough to existing VA medical facilities to ensure that intensive, ongoing medical and specialist care is easily provided. At the same time, the facility can be in a location that would be natural and, importantly, family friendly.

By supporting my amendment, you will be requiring funds already available to the VA to be directed toward relieving the obvious need for long-term, ongoing recovery for our veterans suffering from TBI and other polytrauma injuries.

A properly selected and designed facility is so important, Madam Chair. My amendment will enable medical specialists from the VA to develop a special plan to allow our veterans to heal. That is so important. It should be our top priority. A doctor would be able to look in the eyes of a wounded warrior and tell him or her, This is your home, and we are going to help you participate in society and visit with your family.

The facilities my amendment would promote, Madam Chairman, would enable our young wounded warriors to focus on hope and to focus on honor and have hope for a future. We owe them that, Madam Chair. Let's give them that.

I ask my colleagues to recognize the extreme difficulty faced by our catastrophically wounded warriors. Show them your support and vote ''yes'' on the Bilirakis amendment.

I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I rise to claim time in opposition to the amendment.

The Acting CHAIR (Ms. JACKSON LEE of Texas). The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. I want to salute the gentleman's focus, his genuine commitment on the important need of providing long-term care for our veterans and wounded warriors with traumatic brain injury.

I care deeply about this. We all care deeply about it. In fact, several years ago I personally put the money in our VA appropriations bill to build a new polytrauma center where there was not one in the entire southwestern part of the United States.

I wish the gentleman could agree to work with the majority and the minority, the conference committee, to try to find a way to also work with the VA to find a way to address the very important needs that he is wanting to address.

If he's not willing to pull this amendment down, I must reluctantly rise in opposition to it for several reasons:

First, the VA is studying this issue right now, and we ought to sit down with them and find out what they have learned and what they think are the best ways to use taxpayers' dollars to address these needs.

Secondly, I don't know if we need four of these long-term centers or six or eight or 10. Rather than spending money on four centers, perhaps it would be better to do smaller renovations on 10 to 20 centers where our traumatically injured veterans could receive care closer to the homes of their loved ones.

Third, I don't know what the full cost of this is going to be. The $9.5 million doesn't, I don't think, even come close to providing for the full cost of the construction of these four projects. Perhaps the gentleman could help illuminate for all of us both the cost of the construction plus the cost of the operations of those centers. And there are a lot of unanswered questions, important questions, such as: Where would the staff come from to man these centers? Would they come from existing VA facilities? I don't know. Perhaps there are good answers to those questions. I just don't think the committee has them at this point.

Finally, there are pay-fors on this. The consequences of how this gentleman would pay for these would be that we would have a domiciliary extended-stay unit would not be replaced in Butler, Pennsylvania; a kidney dialysis unit expansion would not occur in Richmond, Virginia; an ambulatory surgery center would not be completed in Albuquerque, New Mexico; an urgent care center will not be renovated at Castle Point, New York; and a psychiatric residential rehab facility will not be replaced in Perry Point, Maryland.

It was not the intention of the gentleman to try to prevent these five important projects from being completed, but it is the consequence of his amendment as written.

I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Madam Chair, I rise in opposition to the amendment by the gentleman from Florida (Mr. BILIRAKIS). I support the underlying goal of the gentleman's amendment to acquire and construct long-term residential medical facilities for veterans suffering from traumatic brain injury; however, this designation will jeopardize other important construction projects because it is offset by a decrease in what is called the minor projects construction account.

This would jeopardize an important project in my district at the Hunter Holmes McGuire Veterans Hospital. And if this amendment is adopted, it would hinder the expansion of McGuire's dialysis unit. This is an important project and will improve services that many veterans in the Richmond area need very desperately.

So I appreciate the gentleman's intent; however, I believe that circumventing the Veterans Affairs Department's construction priorities is an inappropriate way to achieve that goal. The Nation has promised our veterans access to quality health care services, and we owe them to ensure that those services are there.

So, Madam Chairman, I would urge the rejection of this amendment so that the underlying projects can go forward.

Mr. CRENSHAW. Will the gentleman yield?

Mr. EDWARDS of Texas. I would be glad to yield.

Mr. CRENSHAW. Mr. EDWARDS, I appreciate the concerns that have been raised here, and I think, as you point out, this is a very important subject, very worthwhile. And to the question of where the money comes from, those minor construction projects, I think everyone has a concern about that.

□ 1820

But I think if Mr. BILIRAKIS is willing to work, there is probably a way to find an offset that doesn't impact the minor construction. There are some funds, as you know, that might be available. And I would encourage Mr. BILIRAKIS, with your commitment, to say let's try to figure out a way to do this, find a way to pay for it, find out what the real costs are. And it says up to four. Maybe there is a way just to begin that process, because we know, based on what Mr. KENNEDY had said earlier, it's a very, very important issue.

Mr. EDWARDS of Texas. Reclaiming my time, if Mr. BILIRAKIS would be willing to ask unanimous consent to bring down his amendment, I will make my genuine commitment to work with him, because I salute him for pointing out the important need that needs to be addressed here.

I'll work with Mr. CRENSHAW, the acting ranking member, Mr. WAMP, the ranking member of the subcommittee, and we will get together with the VA and try to find a pay-for that doesn't take away from awfully important projects such as Mr. SCOTT's in Virginia and others.

Mr. BILIRAKIS. If you would agree to work with me on this particular amendment—this is a very important project, as you know. We do have our polytrauma centers, but we need the long-term care for our heroes. And this is a top priority of mine. If you would

agree to work with me on this, then I will withdraw.

Mr. EDWARDS of Texas. If the gentleman will yield, I appreciate that. I will work in good faith. And let's see if by working with the VA, the majority and minority, see if we can find a way to most efficiently and effectively take care of these great Americans that have suffered such a sacrifice on behalf of our country, and do so without impacting these other important projects throughout the country.

Mr. BILIRAKIS. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. I would join in support of this. Traumatic brain injuries is a very important problem that we need to deal with. I would join in support of that and work with you as long as you do not affect the other projects.

Mr. BILIRAKIS. Reclaiming my time, I have studied this issue, and it's a top priority of mine. We need to get this done. So thank you for your willingness to work with me.

With that, I appreciate the gentleman's willingness, as I said, to work with me. I look forward to doing so.

Madam Chair, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–570.

Mr. PETERS. Madam 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:

Page 33, line 15, after the dollar amount, insert the following: ''(reduced by $50,000) (increased by $50,000)''.

The Acting CHAIR. Pursuant to House Resolution 1559, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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

Madam Chair, in the interests of common sense, I rise today to offer an amendment that will save taxpayer dollars by reducing waste in prescription medications at the VA. Currently, whenever patients leave a VA hospital, leftover medications like eye drops and inhalers are just thrown away. Often, veterans would have to go right to the pharmacy to refill what was discarded.

My amendment simply directs the VA to implement a program that would re-label prescription drugs used in VA hospitals to be sent home with discharged patients for outpatient use. My amendment offers a simple, commonsense change that will save taxpayers an estimated $14 million over 10 years, while saving patients both time and effort.

I am proud that this amendment has the support of the American Legion and the Iraq and Afghanistan Veterans of America, and urge its passage here today.

I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I just want to commend the gentleman. This is such a good amendment. Sometimes common sense can prevail, because it certainly makes no sense to take drugs that a veteran is using, prescription drugs used in a VA hospital, and then have a half a bottle or three-quarters of a bottle of those pills left, have to throw them away, and then go directly to the pharmacy at the VA hospital to get those exact same prescription drugs to take for use at home.

So this is going to save taxpayers money. And every dollar that's saved can be put back into much-needed medical care for our veterans. So I am thrilled to support the gentleman's amendment and salute him for working on this.

Mr. PETERS. Madam Chair, my amendment is a commonsense change and saves taxpayers money, saves time and effort for veterans. I urge passage.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111–570.

Mr. PETERS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 15, after the dollar amount, insert ''(reduced by $150,000) (increased by $150,000)''.

The Acting CHAIR. Pursuant to House Resolution 1559, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, while I applaud the progress this Congress has made in ensuring that our Nation's veterans receive the care they deserve, and the efforts of Secretary Shinseki in making the VA a more proactive institution, we must continue to work to improve the responsiveness of the VA both in terms of treatment our veterans receive and the care with which the VA or any agency handles taxpayer money.

It is in this spirit that I am offering my amendment to the MILCON-VA Appropriations Act. My amendment works to both increase the efficiency in which the VA obligates funds, and the speed at which necessary contracts for supplies and services are fulfilled.

The VA Office of Inspector General audited a sample of over 18,000 VA contracts which identified some areas of concern regarding contracts that remain unfulfilled. With little or no oversight for months of these contracts, the OIG projected that $55 million a year, and $261 million over 5 years, could be put to better use.

By conducting a simple review after a period of 90 days in which the contract is inactive in fulfilling the contract, millions of dollars can be de-obligated from contracts that no longer need to be fulfilled or can be fulfilled in a more productive manner.

The American Legion agrees with my amendment as a commonsense change and step in the right direction, and I urge its passage here today.

I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I once again on this amendment want to thank the gentleman for bringing this before the House. This could save up to $55 million in taxpayer funding according to the Inspector General. It's a good amendment, and I am glad to support it.

Mr. PETERS. My amendment is a commonsense change that frees taxpayer dollars for better use to care for our veterans, and I urge its passage here today.

I yield back the balance of my time.

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

The amendment was agreed to.

□ 1830

AMENDMENT NO. 14 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111–570.

Mr. GARRETT of New Jersey. Madam 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:

Page 38, line 7, after the dollar amount, insert the following: ''(decreased by $7,000,000)''.

Page 39, line 8, after the dollar amount, insert the following: ''(increased by $7,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 1559, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the Chair.

This amendment would increase the amount of funding for grants for construction of States veterans cemeteries by $7 million while reducing funding for grants for construction of minor projects by an equal amount.

The VA provides funding for State veterans cemeteries through the grants for construction of State veterans cemeteries program. All pending projects are evaluated by the VA and ranked in order of priority. This is not an earmark program. It is a competitive ranking process.

The current priority list shows that there are $121 million worth of projects where the State matching funds are already in place. More than half of these projects—totaling $70 million—are still awaiting Federal matching grants. Yet the appropriations bill we are considering today provides only $46 million for grants for construction of State veterans cemeteries.

The first priority for the State cemetery program is to provide funding for the expansion of existing cemeteries. The second priority is for the construction of new cemeteries according to geographical need. The third is for improvements to existing cemeteries. So what this means is that existing cemeteries which require improvements do not receive the necessary funding.

For example, my State of New Jersey is home to the BGWC Doyle Veterans Memorial Cemetery. This cemetery is the busiest State veterans cemetery in the Nation. On average, it has seven burials per day. For the past 2 years, the cemetery has had two important improvement projects with State grants in place, but there hasn't been sufficient funding for matching Federal grants.

The following States also have a State matching grant but have at least one unfunded project: Tennessee, Minnesota, Kentucky, Alabama, California, Idaho, South Dakota, Hawaii, Maryland, Montana, Virginia, Nevada and Maine.

To make matters worse, the State veterans cemetery grant program has been underfunded over the past several years, even though the number of World War II veterans that are needing interments is rapidly increasing. VA and VFW officials at both the State and national level agree that there is a need for an overall increase to the annual budget of the grants to State cemeteries program. In fact, it is one of their top priorities.

This bipartisan amendment would increase the amount for this program by $7 million. This amendment would simultaneously decrease by $7 million the amount for the minor projects. However, the construction of minor project account is already fully funded at a level that is $40 million above both the VA and the President's budget requests.

Last year, during consideration of the FY10 MILCON–VA appropriations bill, I introduced an almost identical amendment. The only difference was that the amount of increase/decrease was $4 million rather than $7 million. That amendment passed this House by voice vote.

With that, I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I rise to claim time in opposition to the amendment.

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

Mr. EDWARDS of Texas. Madam Chair, I will salute the gentleman from New Jersey for focusing on the need to fund our State veterans cemeteries. I believe in those cemeteries. I think they're an important partnership between the Federal Government and our State governments. So I have absolutely no objection to his wanting to try to find additional funding for State cemeteries.

However, I will object and ask my colleagues to vote ''no'' on this amendment because of the way in which he pays for it. While not intended in any way, it just turns out the money that he would be taking out of the VA minor construction project would come out of these specific projects:

A domiciliary extended stay unit will not be replaced in Butler, Pennsylvania; a kidney dialysis unit expansion will not occur in Richmond, Virginia; an ambulatory surgery center will not be completed in Albuquerque, New Mexico; and an urgent care center will not be renovated at Castle Point, New York.

So you have an amendment that won't even guarantee that even one dime of this amendment's funding will go to State veterans cemeteries in New Jersey. In fact, the last list I saw the VA has put out officially has the New Jersey project significantly down the list. But regardless of that, I think it's just not right to take funding out of these much-needed health care construction projects.

I would like to yield to the gentleman from Pennsylvania (Mr. ALTMIRE) for any time he would care to consume.

Mr. ALTMIRE. I thank the chairman.

Madam Chair, I rise in opposition to the Garrett amendment to the Military Construction and Veterans Affairs appropriations bill which would transfer $7 million in funding for the grants for construction, minor projects account into another unrelated account. This amendment would adversely affect veterans in my district by shifting funding away from priority construction projects, such as the domiciliary extended stay unit in Butler, Pennsylvania. That facility is a vital source of shelter and rehabilitation for homeless veterans in western Pennsylvania, and I will not allow its upkeep and improvement to be compromised by this type of unwise amendment.

Last-minute shifts in funding for parochial concerns take away from priority projects and plans that the VA has determined to be necessary for veterans' health and safety nationwide. I ask my colleagues to join me in strongly opposing the Garrett amendment to prevent harmful construction project cuts for the VA.

Mr. EDWARDS of Texas. I would like to now yield time to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Chair, I too rise in opposition to the amendment.

As it has been said before, this would jeopardize the dialysis unit in the McGuire Hospital in Richmond. Although I appreciate the gentleman from New Jersey's intent, I do not believe that shortchanging important projects at the VA to improve and expand quality health care for our veterans is the appropriate way to achieve that goal. We have promised our veterans health care and decreases in what is called the minor projects account will actually jeopardize important projects all over the country, including one in Richmond, Virginia.

I urge my colleagues to reject the amendment. Hopefully we can work out some other pay-for. But we do not want it taken out of the projects in Richmond, Virginia; Pennsylvania; and other projects around the country.

Mr. EDWARDS of Texas. I now yield to the gentleman from New York.

Mr. HALL of New York. Thank you, Mr. Chairman.

I rise in opposition to the amendment, although I do support the underlying intent; but not, however, the pay-for.

One project that would be affected by this cutback is the renovation of the urgent care center at Castle Point, New York, a VA hospital that was built in 1926. It's the oldest VA hospital in the country and has never undergone a major renovation. The project would dramatically increase urgent care capacity at Castle Point and make the facility more accommodating for female veterans who are increasingly a large part of our force.

I ask that before you vote on this measure, please take a moment to consider the unintended consequences and the negative consequences, not just in the Hudson Valley but across the country.

Mr. EDWARDS of Texas. Madam Chair, do I have any time remaining?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. EDWARDS of Texas. Let me just conclude by saying no one objects to the gentleman's goal. We would be glad to try to work in good faith to see if we can find another pay-for to improve funding for our veterans cemeteries. But I will strongly object and ask my colleagues to vote ''no'' on this amendment because of the damage done to veterans at these facilities that need the care that they would otherwise not get if this amendment is passed into law.

I yield back the balance of my time.

Mr. GARRETT of New Jersey. Madam Chair, I would just remind the gentleman that the money you appropriated is already $40 million over what the President asked for and also what the VA asked for.

I yield 1 minute to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Madam Chair, I rise in support of Congressman GARRETT's amendment also sponsored in a bipartisan capacity by Congressman ADLER on the other side of the aisle and by me. This is bipartisan in nature, and, of course, we believe that across the country, veterans and their families

are dealing with the hardships of overcrowded and unkempt State cemeteries.

For example, in New Jersey there is only one State veterans cemetery that is currently available for new burials—the Doyle Veterans Memorial Cemetery in Wrightstown, in southern New Jersey, not in my district and not in Congressman GARRETT's district, but this is bipartisan in nature on our side of the aisle; and certainly we think that this amendment will help fund these projects and reduce existing backlogs in the State veterans cemetery grant program.

I certainly concur with Congressman GARRETT's point of view that the funding is already over what has been requested by the administration and we believe strongly that this is in the best interest of the United States.

Mr. GARRETT of New Jersey. May I inquire of the time remaining.

The Acting CHAIR. The gentleman from New Jersey has 1 minute remaining.

Mr. GARRETT of New Jersey. In conclusion, I will end where I started, and that is to say, there is a need for the cemeteries not just in the state of New Jersey but across the country as well. In a bipartisan manner we passed this bill with the support presumably from the chairman last year in a similar manner as we are doing this year. As was stated already, the amount of money that is already appropriated is $40 million more than not only what the White House wants but also what the VA wants.

I do find it curious that the chairman is able to come to the floor and cite specifically what programs would be cut when our staff tried diligently through the committee to ask them to identify exactly which ones would be cut and we could never get an answer from them as to what would be cut whatsoever with regard to priorities. Now the chair comes and says, well, this program, this program, and this program will be cut.

□ 1840

How can anybody say it's being cut when we're already spending $40 million more than what the VA and the administration is asking for?

This is a duty that we owe to our veterans, and we should do it in a proper manner, and we should do it now. We should not be pointing fingers saying that we want a cut from this or a cut from that. We have set out the program this year as we have done in the past. And we should meet that moral obligation.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

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

Mr. GARRETT of New Jersey. Madam Chair, 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 Jersey will be postponed.

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 111–570 on which further proceedings were postponed, in the following order:

Amendment No. 9 by Mr. GINGREY of Georgia.

Amendment No. 14 by Mr. GARRETT of New Jersey.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 9 OFFERED BY MR. GINGREY 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. GINGREY) 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 vote was taken by electronic device, and there were—ayes 353, noes 69, not voting 16, as follows:

[Roll No. 480]

AYES—353

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Clarke
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Djou
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ellsworth
Emerson
Eshoo
Etheridge
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Issa
Jackson (IL)
Jenkins
Johnson (IL)
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 (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
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)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pallone
Pascrell
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)

NOES—69

Baird
Baldwin
Becerra
Berman
Blumenauer
Bordallo
Braley (IA)
Capps
Castor (FL)
Christensen
Chu
Clay
Cohen
Davis (IL)
DeGette
Dingell
Doggett
Edwards (MD)
Ellison
Engel
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Harman
Hinchey
Honda
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kucinich
Lee (CA)
Lofgren, Zoe
McDermott
Moore (WI)
Moran (VA)
Murphy (NY)
Nadler (NY)
Norton
Olver
Pastor (AZ)
Pierluisi
Pingree (ME)
Price (NC)
Quigley
Roybal-Allard
Ryan (OH)
Sablan
Sánchez, Linda T.
Schakowsky
Scott (VA)
Sestak
Smith (WA)
Snyder
Towns
Tsongas
Velázquez

Wasserman Schultz
Waters
Watt
Waxman
Woolsey
Wu

NOT VOTING—16

Akin
Andrews
Cleaver
Crowley
Davis (AL)
Ehlers
Faleomavaega
Fallin
Hoekstra
Lewis (GA)
Slaughter
Stark
Tiahrt
Wamp
Watson
Young (FL)

□ 1911

Mr. ELLISON, Ms. NORTON, Ms. LINDA T. SÁNCHEZ of California, Ms. DEGETTE, Mr. TOWNS, Ms. JACKSON LEE of Texas, Mr. ISRAEL, Ms. WASSERMAN SCHULTZ, Mr. CLAY, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Messrs. DAVIS of Illinois, DOGGETT, INSLEE, COHEN and SCOTT of Virginia changed their vote from ''aye'' to ''no.''

Mr. POLIS, Ms. RICHARDSON, Messrs. AL GREEN of Texas, SERRANO, MCGOVERN, MINNICK and GEORGE MILLER of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) 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 Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 296, not voting 14, as follows:

[Roll No. 481]

AYES—128

Aderholt
Adler (NJ)
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boustany
Brady (TX)
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Capito
Cassidy
Chaffetz
Cole
Conaway
Crenshaw
Davis (KY)
DeFazio
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hodes
Holt
Hunter
Issa
Johnson (IL)
Johnson, Sam
King (NY)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Lummis
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
Mica
Michaud
Miller (MI)
Miller, Gary
Mitchell
Myrick
Neugebauer
Nunes
Nye
Olson
Pallone
Pascrell
Paul
Pence
Petri
Pingree (ME)
Pitts
Poe (TX)
Price (GA)
Radanovich
Rahall
Rangel
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Rothman (NJ)
Ruppersberger
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Shadegg
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Walden
Westmoreland
Wilson (SC)
Wu

NOES—296

Ackerman
Altmire
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latta
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (FL)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Owens
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Reichert
Reyes
Richardson
Rodriguez
Rooney
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)

NOT VOTING—14

Akin
Andrews
Crowley
Ehlers
Faleomavaega
Fallin
Hoekstra
Lewis (GA)
Moran (KS)
Slaughter
Tiahrt
Wamp
Watson
Young (FL)

□ 1919

Mr. ROONEY changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2011''.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. BALDWIN) having assumed the chair, Ms. JACKSON LEE of Texas, 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. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, and pursuant to House Resolution 1559, reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 1559, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were 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.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 6, not voting 15, as follows:

[Roll No. 482]

YEAS—411

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett

Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
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)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
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
Critz
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
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
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
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)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
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 (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
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
Richardson
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)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—6

Campbell
Duncan
Flake
Johnson (IL)
Paul
Sensenbrenner

NOT VOTING—15

Akin
Andrews
Braley (IA)
Crowley
Ehlers
Fallin
Hoekstra
Lewis (GA)
Moran (KS)
Slaughter
Tiahrt
Wamp
Waters
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1937

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TONKO). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

GENERAL AND SPECIAL RISK INSURANCE FUNDS AVAILABILITY ACT OF 2010

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5872) to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5872

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 ''General and Special Risk Insurance Funds Availability Act of 2010''.

SEC. 2. ADEQUATE COMMITMENT AUTHORITY.

Notwithstanding any other provision of law, for fiscal year 2010 the Secretary of Housing and Urban Development may enter into commitments to guarantee loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), in an amount not exceeding $20,000,000,000 in total loan principal, any part of which is to be guaranteed.

SEC. 3. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go- Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1940

GENERAL LEAVE

Mr. FRANK of Massachusetts. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials on this bill.

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

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

The FHA has become a very successful program. It has taken up a lot of the slack that was created by problems elsewhere in the housing area. It is being run very well. Secretary Donovan and Administrator Stevens deserve a great deal of credit.

In a bipartisan way, the Committee on Financial Services has cooperated with them. We recently passed a bill, again a bipartisan bill, and the ranking member of the Housing Subcommittee, the gentlewoman from West Virginia (Mrs. CAPITO) is here, to enhance their authority to allow them to do a better job statutorily of guarding against abuse and fraud.

The program's been sufficiently successful so that they have now run out of commitment authority. This bill would give them $5 billion more in commitment authority. But it is not an expenditure. Indeed, it is the opposite. This will save $94 million because we have structured the FHA today, and it's being run in a way that it makes a small profit for the Federal Government.

If we do not pass this bill before the end of next week, us first and then the Senate, the FHA program will stop until October. That will deny people housing, and this is housing, homeownership and other forms of housing, that is responsibly done. It will be a further shot to the housing sector of the economy which is so important.

I add letters from the American Bankers Association and a joint letter from virtually every organization that deals with housing from the standpoint of consumers, or from the standpoint of financing, also from the standpoint of people in the business of providing housing. So providers of housing, financers of housing, sellers of housing, consumers of housing all agree that we need this bill.

It should not be controversial because it extends a very successful program, stops it from being interrupted between now and October, and it will present savings of $94 million.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, just briefly, I would like to join with the chairman of the full committee, Mr. FRANK, in full support of this bill. I would also like to thank the Appropriations Committee for letting us bump up two bills so we could get ahead a little bit on our evening.

I would like to reiterate just very quickly that this FHA program is a critical source of financing for affordable rental housing, and I am in full agreement that we should pass this bill, as it will help to mitigate any disruptions in the housing market.

I have no further speakers, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. I yield myself 1½ minutes to say that some of the homeownership parts will continue, but there are very important pieces here involving health care facilities, involving multi-family housing, and there is some homeownership which would be lost if we were not able to do this. So I am glad to be joined by my colleague from West Virginia, and I hope that the House will promptly pass this bill and that the Senate will even promptly pass this bill, although that's always a greater hope.

JULY 28, 2010.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FRANK: Our organizations would like to express strong support for H.R. 5872, The General and Special Risk Insurance Funds Availability Act of 2010. Recently, the Federal Housing Administration (FHA) notified Congress that it had exceeded 75 percent of its commitment authority to insure mortgages under the General Insurance and Special Risk Insurance (GI/SRI) Fund. FHA Commissioner David Stevens further warned that without an additional $5 billion in commitment authority, the agency's current limitation would be fully exhausted by late August or September.

FHA is now facing the real possibility that it will have to shut down the multifamily and health care insurance programs. Without swift passage of H.R. 5872, needed affordable rental housing and health care facilities could be at risk of losing time-sensitive financing and subsidy commitments as a result. Properties with maturing loans that must refinance could be at risk of losing the only source of refinancing available in the market at this time. The consequence is the delay or loss of bringing affordable housing to those people who need it so much.

As you know, during this period of significant turmoil in the credit markets, FHA's multifamily and health care programs have been a critical source of stable and affordable financing. We cannot afford a suspension of these important programs now.

We strongly urge Congress to act expeditiously to provide FHA with the additional commitment authority it is seeking. Failure to do so before Congress recesses this summer will cause significant disruptions to financing for apartment, hospital, and health care facilities that serve millions of Americans.

We thank you in advance for your support for H.R. 5872.

Sincerely,

American Health Care Association; American Association of Homes and Services for the Aging; American Seniors Housing Association; Assisted Living Federation of America; Coalition for Seniors Health Care Reform; Council for Affordable Rural Housing; Committee on Health Care Financing; Housing Partnership Network; Institute of Real Estate Management; Institute for Responsible Housing Preservation; Mortgage Bankers Association; National Apartment Association; National Affordable Housing Management Association; National Association of Affordable Housing Lenders; National Association of Home Builders; National Association of Realtors; National Council of State Housing Agencies; National Leased Housing Association; National Multi Housing Council; New York Housing Coalition; Settlement Housing Fund; Stewards of Affordable Housing for the Future; Volunteers of America.

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, July 28, 2010.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FRANK: On behalf of the 175,000 members of the National Association of Home Builders (NAHB), I am writing to express our strong support for H.R. 5872, the General and Special Risk Insurance Funds Availability Act of 2010. H.R. 5872 would increase the commitment authority for fiscal year 2010 for the General and Special Risk Program Account of the U.S. Department of Housing and Urban Development. Without the proposed $5 billion increase, the Federal Housing Administration (FHA) could be forced to shut down the multifamily and health care facilities mortgage insurance programs. FHA recently notified Congress that without this increase, the agency's current limitation would be fully exhausted by late August or September, in advance of the end of the fiscal year.

The FHA multifamily and health care mortgage insurance programs are critically needed during this period of significant turmoil in the credit markets. Without additional commitment authority, needed affordable rental housing and health care facilities could be at risk of losing time-sensitive financing and subsidy commitments as a result. Properties with maturing loans that must refinance could be at risk of losing the only source of refinancing available in the market at this time. The consequence is the delay or loss of bringing affordable housing to those people who need it so much.

Again, NAHB supports H.R. 5872 and urges your support on the House floor. This critical legislation will benefit thousands of people who need affordable rental housing and health care facilities, as well as provide needed construction jobs in this difficult economy.

Best regards,

JOE STANTON,
Senior Vice President,
Government Affairs.

MORTGAGE BANKERS ASSOCIATION,
Washington, DC, July 28, 2010.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: On behalf of the Mortgage Bankers Association, I want to thank you for your leadership in quickly moving H.R. 5872, the General and Special Risk Insurance Funds Availability Act of 2010, to the House floor. This legislation is urgently needed to avert a looming shutdown in the Federal Housing Administration's multifamily programs.

Recently, FHA notified Congress that it was close to exhausting its commitment authority to insure multifamily mortgages, and that an additional $5 billion would be needed to keep the programs running through the end of the fiscal year. FHA's multifamily programs have been a critical source of stable and affordable financing during the current downturn in the credit markets. We simply cannot afford a suspension of these important programs now.

It is also important to note that the authorization of commitment authority is not the same as a direct appropriation and does not come with a cost to taxpayers. In fact, because FHA collects premiums to guard against the risk of default, the additional $5 billion in commitment authority is estimated to generate $94 million to the U.S. Treasury.

We urge the House to approve this bill so that we keep these important multifamily programs up and running.

Sincerely,

WILLIAM P. KILLMER,
Senior Vice-President,
Legislative and Political Affairs.

NATIONAL MULTI HOUSING COUNCIL AND NATIONAL APARTMENT ASSOCIATION,
Washington, DC, July 28, 2010.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The National Multi Housing Council (NMHC) and National Apartment Association (NAA) urge immediate action on H.R. 5872, the ''General and Special Risk Insurance Funds Availability Act of 2010'', to prevent an imminent shutdown of the FHA multifamily loan program.

Absent Congressional action the multifamily and health care insurance programs will shut down. As a result, needed affordable rental housing and health care facilities could be at risk of losing time-sensitive financing and subsidy commitments. Properties with maturing loans that must refinance could be at risk of losing the only source of refinancing available in the market at this time. The consequence is the delay or loss of bringing affordable housing to those people who need it so much.

As required, the Federal Housing Administration (FHA) notified Congress that it had

exceeded 75 percent of its commitment authority to insure mortgages under the General Insurance and Special Risk Insurance (GI/SRI) Fund. FHA Commissioner David Stevens further warned that without an additional $5 billion in commitment authority, the agency's current limitation would be fully exhausted by late August or September. Without swift action, that warning is now a reality.

As you know, during this period of significant turmoil in the credit markets, FHA's multifamily and health care programs have been a critical source of stable and affordable financing. We cannot afford a suspension of these important programs.

NMHC and NAA strongly urge passage of this critical legislation.

Sincerely,

DOUGLAS M. BIBBY,
President, National Multi Housing Council.

DOUGLAS S. CULKIN, CAE,
President, National Apartment Association.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 5872, as amended.

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

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5893, INVESTING IN AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–577) on the resolution (H. Res. 1568) providing for consideration of the bill (H.R. 5893) to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5850, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–578) on the resolution (H. Res. 1569) providing for consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, which was referred to the House Calendar and ordered to be printed.

UNITED STATES PATENT AND TRADEMARK OFFICE SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. MOLLOHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5874) making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2010, and for other purposes, namely:

DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

For an additional amount for ''Salaries and Expenses'' of the United States Patent and Trademark Office, $129,000,000, to remain available until expended: *Provided,* That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2010, should the total amount of offsetting fee collections be less than $2,016,000,000, this amount shall be reduced accordingly.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

Of funds made available under this heading by Public Law 111–117, $129,000,000 are hereby rescinded.

This Act may be cited as the ''United States Patent and Trademark Office Supplemental Appropriations Act, 2010''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Virginia (Mr. WOLF) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 5874.

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

There was no objection.

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

Mr. Speaker, the United States Patent and Trademark Office, on an annual basis practically, has budgetary problems. It arises from the system under which they are funded and estimate their own finances, and the Appropriations Committee responds to that. It's imperfect because their predictions are obviously imperfect. They are talking about revenues that they may or may not receive into the future.

This legislation addresses their concerns for this year. The activities of the U.S. Patent and Trademark Office are fully financed by user fees. And every year Congress appropriates an amount for the agency's activities that is equal to what the agency estimates it will collect in fees.

Based on higher-than-estimated fee collections to date in fiscal year 2010, it appears that the agency could potentially collect more in fees this year than was earlier estimated, and these additional fees would be unavailable to the agency this year under its current 2010 appropriation level.

What this bill, Mr. Speaker, will do, is allow USPTO to spend up to an additional $129 million in patent and trademark fees if the agency actually collects fees over and above the current appropriation level of $1.887 billion. This additional appropriation was requested by President Obama's administration and is based on a revised CBO estimate of the agency's fee collections for fiscal year 2010. This bill reflects the administration's and Congress's commitment to make fee revenue available to USPTO for patent and trademark activities.

The timely and efficient processing of patent and trademark applications is critical to the competitiveness of American businesses and the contributions of individual inventors to economic growth. The USPTO currently takes an average of over 34 months to complete the examination of patent application and has maintained a backlog of unexamined applications for several years. There are approximately 1.2 million patent applications now in the system, with over 750,000 awaiting an initial review by a USPTO patent examiner.

We should be clear, however, about what this bill will do and what this bill will not do. If the additional fees are actually collected in the remaining weeks of the fiscal year, the additional $129 million in budget authority provided by this bill will begin to help the agency address the ongoing patent pendency and backlogs.

□ 1950

Mr. Speaker, what this bill will not do is fix the underlying structural flaws in USPTO's revenue mechanisms that are the major cause for the patent pendency and backlog problems that have plagued USPTO for years. The only path to a meaningful and permanent reduction in patent pendency and the backlog is for stakeholders to support, and Congress to approve, new fee authorities for USPTO that will lead to patent fees that reflect the actual cost to the agency and to our government. But that is beyond the scope of this appropriations bill.

Before concluding, Mr. Speaker, I want to reiterate that the Appropriations Committee consistently appropriates budget authority for USPTO based on the agency's own estimates of fee collections, and the current year appropriation was no exception to this rule. The administration's request for

this supplemental appropriation is based on higher-than-expected fee collections.

In cases where fees collected by USPTO but not appropriated in an annual appropriations bill are credited to a specific account within the general Treasury, those additional resources can be made available for appropriation to USPTO in subsequent appropriations acts, such as the one we are considering today.

While the bill before us today will not address the underlying problems at USPTO, it will provide additional relief to the agency as it seeks to address the patent backlog issue, and I urge my colleagues to support it.

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

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

Yesterday the House passed a supplemental appropriations bill under suspension of the rules. I think—and I would ask somebody to look—I think this Congress, and every Congress has a history and has a name. I think this will be called ''the suspension Congress.'' We have taken more legislation up under suspension of the rules, without any opportunity for people to be offering amendments. I think whatever side you're on, whatever party you're in, there really ought to be the opportunity for Members to offer amendments.

And so I think, I don't know how you would do it, but I officially would request that maybe the Clerk of the House look to see how many bills at the end of this year were passed by suspension and to see if I was right by calling this ''the suspension Congress.''

We are now resorting to considering an odds and ends bill at the end again on suspension. This bill could clearly be put on our own bill. On July 12, the administration requested language to allow the Patent and Trademark Office to spend an additional $129 million in fiscal year 2010, with the desired effect being the reduction of backlogs in processing patent applications.

The bill before the House does that, and fully offsets the spending, as requested, with a rescission from excess amounts appropriated for the 2010 Census. The language in the bill differs somewhat from the language requested by the administration. I personally—and maybe others on the committee had—but personally I have not seen the bill until today after it had been placed on the suspension calendar. So you're going to bring a bill up under suspension and the minority, maybe other people in the minority, but we haven't been given the opportunity even to see it. Since there was no subcommittee or full committee consideration and no discussion with the minority prior to introduction, I don't know why the changes were made to the request. It sort of says we're not going to talk to the minority; we're not going to discuss these things. Frankly I would tell the Patent and Trademark Office, ''You haven't been up here to talk to anybody.'' Just because the party in power happens to be the majority party, this ought to be an issue of nonpartisan, or bipartisan working together. But again it all just sort of rolls out and comes up.

Finally, I would just say that this issue could have easily been addressed in regular order, either in committee markup or on the supplemental where I am sure the chairman, Mr. MOLLOHAN, as we go to conference on a bill—and I appreciate the leadership of Mr. MOLLOHAN on the committee—we could have rolled it in for timely action on the FY11 CJS appropriations bill. I don't know why we're doing it at this hour.

Secondly, anytime one party pushes the other party, and I would say this to my own party. If we ever get back into the majority, we ought to be sure that we treat the minority the way that we wanted to be treated when we were in the minority, because there were times past when we were in the majority that we maybe treated the minority in ways that we should not have treated them.

And so I would just say, speaking only for myself, but the party that I belong to, I think it's important if or when we return to the majority that we have respect for the minority, to notify them and tell them and do everything we possibly can to make sure that we're doing things in a bipartisan basis, particularly on bills that are not Republican or Democrat but are good for the country.

With that, I would reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I note the distinguished ranking member's comments about ''the suspension Congress'' and lack of notice with regard to pieces of legislation.

I would just point out that, first of all, he is very familiar with this bill and very familiar with the USPTO. He has handled this legislation very competently as chairman and as ranking member and as a member of the committee. So he is very familiar, I know, with the subject matter of which we speak and the difficulty that USPTO faces because of the structural nature of the way it achieves funding every year.

He also knows that their estimating at the beginning of the year is an imperfect process because it's a prediction and it's based upon that prediction coming true in the future and it rarely does. They are either underestimating, or they overestimate. In this case they have financial needs that can be better met with this additional $129 million. And the good news for USPTO is that they underestimated last year. Consequently, if they continue to collect fees at the current rate, they will collect $129 million more than they projected.

Given that, it is only right that we try to address those needs in the context of their newly projected fee collections so that they will be able to reduce this unacceptable backlog. As the gentleman points out, in a negative way, that's not known really until it happens or if the trend line begins to become apparent; and it is becoming apparent.

We're going on recess here in a couple of days. It would be great to have notice on everything; a week in advance, or 3 days in advance or whenever in advance it would be satisfactory. This is a pretty simple proposal actually and I don't think it's difficult to understand.

I must say we on the majority side weren't noticed many minutes before the minority was about the approach to this. I know the gentleman is—or I believe from his remarks and his attitude in the past with regard to recognizing USPTO's needs, not a current but its structural needs of how you fund it, is certainly not opposing this.

I just wanted to assure him that there is no intent on our part in any way to mislead the gentleman.

Mr. WOLF. If the gentleman will yield, I just want the record to show that Mr. MOLLOHAN and his staff have been very fair. And I would not want to have the connection of what I said earlier with regard to that. Mr. MOLLOHAN and his entire staff have been very, very fair and have treated us very, very well. I didn't want that to be inferred.

With that, I thank the gentleman.

Mr. MOLLOHAN. I would be very chagrined if we ever did anything but treat the gentleman fair. He is an outstanding Member of the Congress.

Mr. Speaker, a lot of Members are very interested in USPTO and interested in fixing it on the authorizing side and, of course, on the appropriations side.

□ 2000

Three of those many Members who are particularly interested in USPTO have cosponsored this legislation. One of them is PATRICK MURPHY of Pennsylvania. Mr. MURPHY is here to speak on the legislation. The other two are Chairman CONYERS and Chairman MORAN: Chairman CONYERS in the authorizing committee, and Chairman MORAN is a distinguished member of the Appropriations Committee. I just want to note that they've been at the forefront of fighting for PTO and adequate funding so that they can reduce the backlog of which we speak today.

Mr. MURPHY is a young Member, a distinguished member of the Commerce, Justice, Science Subcommittee which funds USPTO. He's taken a particular interest in this issue, becoming very knowledgeable about it, and has been in the forefront of moving this legislation that would help them.

It is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I thank Chairman MOLLOHAN. I appreciate your leadership on this issue and allowing me to partner with you on this important piece of legislation.

Mr. Speaker, we need to continue to get our economy back on the right track, and this bill is about boosting American technology and innovation. It's about making things in America again. Right now, at an office building outside of Washington, D.C., over 1 million patent applications sit gathering dust. Hundreds of thousands have yet to be looked at for the first time. Those applications could be the next iPhone, the next Netbook, or the next Google. But the agency tasked with reviewing those applications just can't keep up. So they sit and they sit, often for years. In fact, the average time that it takes a patent to be approved is about 30 months, but when you consider that today technologies often become obsolete within 18 months or less, it is clear that a process that takes 2½ years is simply too long, and it hurts our competitiveness.

Those applications at the U.S. Patent and Trade Office, or USPTO, represent the greatest this country has to offer in terms of new ideas and new technologies. They contain any number of breakthroughs that could help to propel our economy out of the recession, expand small businesses, and create new jobs. And they could be the key to helping our Nation maintain its technological edge globally. Patent activity among our biggest competitors like China, India, and South Korea have shown exponential growth, but this bill is one step in providing the USPTO the resources necessary to keep pace with the flow of innovation and ensure American businesses and workers can compete globally. And it is fully offset with a reduction in spending for the U.S. Census Bureau.

We need to make sure that the USPTO can hire the necessary patent examiners, install up-to-date information technology, and make other operational changes necessary to get at this backlog. This is an issue that's of critical importance for our economy and the job market. I encourage my colleagues to join me in supporting this commonsense and paid-for legislation. I know the manufacturers in Bucks County, Pennsylvania, and across our country care about it.

I want to thank, again, the leadership of Chairman MOLLOHAN.

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

Mr. MOLLOHAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. MOLLOHAN) that the House suspend the rules and pass the bill, H.R. 5874.

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

A motion to reconsider was laid on the table.

EMERGENCY BORDER SECURITY SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. PRICE of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5875) making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $356,900,000, to remain available until September 30, 2012, of which $78,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, $58,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, $208,400,000 shall be for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, $2,500,000 shall be for forward operating bases on the Southwest Border of the United States, and $10,000,000 shall be to support integrity and background investigation programs: *Provided*, That section 104 shall not apply to $151,000,000 of the amount under this heading.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for ''Border Security Fencing, Infrastructure, and Technology,'' $14,000,000, to remain available until September 30, 2012, for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', $32,000,000, to remain available until September 30, 2012, for costs of acquisition and deployment of unmanned aircraft systems.

CONSTRUCTION AND FACILITIES MANAGEMENT

For an additional amount for ''Construction and Facilities Management'', $9,000,000, to remain available until September 30, 2012, for costs to construct up to three forward operating bases for use by the Border Patrol to carry out enforcement activities on the Southwest Border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $30,000,000 to remain available until September 30, 2012, for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $50,000,000, to remain available until September 30, 2011, for Operation Stonegarden.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $8,100,000, to remain available until September 30, 2011, for costs to provide basic training for new U.S. Customs and Border Protection Officers and Border Patrol agents.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. For an additional amount for the Department of Justice for necessary expenses for increased law enforcement activities related to Southwest border enforcement, $201,000,000, to remain available until September 30, 2012: *Provided*, That funds shall be distributed to the following accounts and in the following specified amounts—

(1) ''Administrative Review and Appeals'', $2,118,000;

(2) ''Detention Trustee'', $7,000,000;

(3) ''Legal Activities, Salaries and Expenses, General Legal Activities'', $3,862,000;

(4) ''Legal Activities, Salaries and Expenses, United States Attorneys'', $9,198,000;

(5) ''United States Marshals Service, Salaries and Expenses'', $29,651,000;

(6) ''United States Marshals Service, Construction'', $8,000,000;

(7) ''Interagency Law Enforcement, Interagency Crime and Drug Enforcement'', $21,000,000;

(8) ''Federal Bureau of Investigation, Salaries and Expenses'', $25,262,000;

(9) ''Drug Enforcement Administration, Salaries and Expenses'', $35,805,000;

(10) ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'', $39,104,000; and

(11) ''Federal Prison System, Salaries and Expenses'', $20,000,000.

SEC. 102. (a) From unobligated balances made available to U.S. Customs and Border Protection ''Border Security Fencing, Infrastructure, and Technology'', $100,000,000 are rescinded: *Provided*, That section 104 shall not apply to this subsection.

(b) From unobligated balances of prior year appropriations made available for ''Transportation Security Administration—Aviation Security'' in chapter 5 of title III of Public Law 110–28, $15,500,000 are rescinded.

(c) From unobligated balances of prior year appropriations made available for ''Federal Emergency Management Agency—Administrative and Regional Operations'' in chapter 4 of title II of Public Law 109–234, $34,500,000 are rescinded.

(d) From unobligated balances of prior year appropriations made available for ''Department of Commerce—Bureau of the Census—Periodic Censuses and Programs'' in title I of Public Law 111–117; 123 Stat. 3115, $51,000,000 are rescinded: *Provided*, That section 104 shall not apply to this subsection.

SEC. 103. Notwithstanding any other provision of law, from available funds, the Department of Defense shall pay in fiscal years 2010 and 2011 the full costs associated with the deployment of the National Guard along the Southwest Border of the United States.

SEC. 104. Each amount made available herein is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

This Act may be cited as the ''Emergency Border Security Supplemental Appropriations Act, 2010''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

North Carolina (Mr. PRICE) and the gentleman from Kentucky (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. PRICE of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5875.

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

There was no objection.

Mr. PRICE of North Carolina. I yield myself such time as I may consume.

Mr. Speaker, this bill provides a total of $701 million to support high-priority Homeland Security and Justice programs to enhance security along the Southwest border, where violence on the Mexican side is intensifying due to turf battles among murderous transnational criminal organizations competing for drug, alien, and weapons trafficking business. The funding would enable DHS and DOJ, in cooperation with the National Guard, to build on the current border enforcement surge.

This bill is largely uncontroversial. It simply re-proposes funding the House already approved as part of the war and disaster supplemental bill on July 1. As we all know, these funds, along with funds to stop teacher layoffs, were stripped by the Senate, leaving only funding for the wars, the Disaster Relief Fund, and Haiti earthquake relief. This funding is required now to improve security on our border and in our border communities.

I want to thank the dedicated Members from the Southwest border region who have kept the focus on this issue and are responsible for bringing us here today. We will hear from a good number of these Members tonight. I especially want to thank GABBY GIFFORDS and SILVESTRE REYES for their effort leadership on this effort, along with CIRO RODRIGUEZ, a member of our subcommittee who is a tireless advocate of these border communities; ALAN MOLLOHAN, who helped shape the Department of Justice items in the bill; and many others who helped substantially: CHET EDWARDS, ANN KIRKPATRICK, HARRY TEAGUE, HENRY CUELLAR, SOLOMON ORTIZ, RUBÉN HINOJOSA, SUSAN DAVIS, and GENE GREEN, among others.

Very briefly, the bill would fund several critical initiatives, including 1,200 new border patrol agents to sustain current levels on the Southwest border and build up capacity for when the National Guard is withdrawn next year, and 500 new Customs and Border Protection officers for the Southwest border to keep up staffing at ports of entry as customs and immigration fee funding continues to fall.

The bill includes funding for integrity programs to ensure CBP personnel operate at the high standards we expect and to combat efforts by the cartels to corrupt CBP personnel.

The bill would fund three new forward operating bases and better tactical communications to enable the border patrol to operate close to the border and to close gaps that can be exploited by smugglers.

It would establish four new Border Enforcement Security Task Forces on the border and build up a permanent ICE presence in joint counterdrug efforts in the region, as well as provide for a surge in ICE's criminal alien removal efforts.

It would add $50 million to expand support for State and local joint law enforcement efforts on the border.

It would add two additional Predator unmanned aircraft systems to ensure better coverage of the Southwest border, in particular on the Texas border.

And finally, it provides $201 million for Justice Department staffing to surge agents and U.S. attorneys to high-crime areas in the Southwest border region, to provide more robust assistance to Mexican law enforcement authorities, and to better handle criminal aliens referred by the Department of Homeland Security.

On June 22 of this year, the President requested a $600 million border security supplemental, offsetting $100 million of these funds and designating the rest as an emergency.

□ 2010

This bill is consistent with that request, funding $500 million under an emergency designation and offsetting $201 million from unobligated balances in TSA Aviation Security, FEMA Administrative and Regional Operations, the Census Bureau, and CBP's delayed virtual fence effort, or SBInet.

Consistent with past practices for supplemental appropriations, we consider our challenges on the southwest border as important as our military's work to secure Afghanistan from the Taliban or to promote stability in Iraq, and some would argue that the southwest border mission is more important. That's why this President, like past Presidents, has requested the funding under an emergency designation. I know the minority has agreed with this point of view repeatedly in the past, and I hope we can count on their support now.

Mr. Speaker, this bill will help us counter the pressures on our law enforcement agencies and our border communities, and I urge my colleagues to adopt it.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself as much time as I may consume.

Let me start, Mr. Speaker, by saying that I take a backseat to no one on border security. I have read the intelligence reports, the briefings. I have been on this subcommittee since it started in 2003, chaired it for its first years, now ranking member on the subcommittee.

I have led and supported the robust funding for the Coast Guard, CBP, ICE, DOJ, all the other law enforcement agencies, even the local ones.

I have implored, in fact, practically begged, the White House and the Democrat majority to recognize the spillover violence from this heinous drug war raging on the border with Mexico.

I have even pushed for a new joint command along the southwest border for all of the American agencies.

Finally, I have been first in line calling for a serious, sustained approach to breaking the backs of the cartels and enforcing our immigration laws.

Unfortunately, Mr. Speaker, this bill is not a serious, sustained response. Rather, this is little more than a cynical knee-jerk, political ploy.

I have three concerns with this bill:

This suspension bill is not paid for. At a time of record deficit spending, why can't we at least attempt to find the prudent offsets necessary to address our Nation's border security needs, as $600 million of this money will be borrowed money. Is this so important that we will ask our children and our grandchildren to pay for it?

Secondly, this bill circumvents regular order. These expenditures should be considered as part of the 2011 Homeland Security bill, the very same process that was derailed by the majority only yesterday when the Homeland bill was to be considered by the full committee. Ten minutes before we were to meet, they cancelled the meeting.

Thirdly, and perhaps most importantly and disappointing, this bill is woefully inadequate and the wrong mix of security, leaving gaping holes at the Judiciary, CBP, and the Coast Guard.

If we are going to do this, let's do it right, as $500 million out of this bill's $700 million price tag, as I said before, is borrowed money. So, in many ways, in bill is addressing one urgent security issue and creating another. While border security is, indeed, a priority, our skyrocketing debt and continued deficit spending have the makings of a genuine national security crisis. We can no longer ignore our debt and continue to recklessly spend, call everything an emergency and simply hope it will go away. We have to make the tough, disciplined decisions at every level and on every issue.

So these border security enhancements can and should be paid for by way of responsible offsets. More to the point, why can't we consider these obvious funding needs as part of the 2011 Department of Homeland Security appropriations bill? That's where it belongs.

The majority took 6 months to consider a true emergency, funding our troops at war, and sent that bill through a tangled, politicized labyrinth. The White House only woke up to this drug violence on the border in June with a haphazard request, which begs the question: Where is the administration's and Democrat majority's commitment to security?

Instead, yesterday, the Democrat majority cancelled the full committee markup of the 2011 Homeland Security appropriations bill, where this belongs,

just 10 minutes before it was scheduled to begin. And for what? So that we can turn to this suspension bill, borrow half a billion dollars, and then ignore all the other vital Homeland Security issues for the coming year. Addressing the critical needs facing our Nation's aviation security, immigration enforcement, disaster response, and cybersecurity are now left dead in the water with little hope of resurrection.

Or was the last-minute cancellation of the markup for some other more political reason, like the fact that Arizona's new tough immigration enforcement law is in the midst of a contentious lawsuit?

Mr. Speaker, the murderous drug war along our border with Mexico demands serious solutions, not reckless spending in the middle of the night after no preparation or no hearings, a flawed process, and, worst of all, political games.

As it were, I was prepared to offer yesterday, at the full committee markup of our annual bill, I was prepared to offer a responsible, completely offset amendment that would have achieved this goal and would have included many of Chairman OBEY's ideas. And the minority was prepared to take a strong stand in defense of the Arizona immigration enforcement law, a law that simply makes being illegally present in the United States against the law. Sadly, thanks to the dictatorial tactics of the Democrat majority, we don't get a chance to offer, let alone debate, these sound amendments.

So, let's get our border security right. Let's provide the right mix of enforcement resources to combat the ruthless drug cartels, but let's do so through regular order in a fiscally responsible way.

This bill, just like President Obama's flawed request, neglects our countersmuggling needs in the source and transit zones, fails to fully address aerial surveillance shortfalls, and ignores the judicial resources required to follow through on enforcement actions.

If only the Democrat majority would be willing to take up the regular 2011 Homeland Security Department and Commerce and Justice Department appropriations bills, we could consider and debate the improvement of our border security in such a way that all of these issues could be addressed and paid for without passing along the bill to our kids and grandkids. Sadly, that's not the case here tonight.

I have grave reservations about this bill, Mr. Speaker, as you may have noticed, and this process. While I wholeheartedly believe we can and must do more to shore up our porous border, I believe we can do it far better and be willing to pay for it.

I reserve the balance of my time.

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Mr. PRICE of North Carolina. Mr. Speaker, I yield 2 minutes to an outstanding member of our subcommittee, Mr. RODRIGUEZ of Texas.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of H.R. 5875.

I want to personally thank Chairman PRICE for his work on these issues. The chairman has joined me on the border touring—I represent more border than anybody else in the Congress, over 785 miles along the Mexican border. We've had the opportunity to tour all the way from Texas to San Diego, including the northern border. And I want to thank him for bringing forth this piece of legislation. Let me also just indicate that this is a major piece of legislation that's critical to making sure that we secure our border. If anything is important, it is making sure that this country remains secure.

Earlier this month, the House passed a supplemental appropriation bill that continued to fund our operations both in Iraq and Afghanistan, and in addition included $701 million in much needed border security funding. This is the funding that our men and women on the border are asking for and need to get the job done.

We all know that violence in Mexico has escalated, and we need to ensure that U.S. borders are not left vulnerable. We were disappointed when the Senate did not include the border funding in their version of the supplemental appropriations bill. So earlier this week, I was joined by Congressman TEAGUE from New Mexico, as well as Congresswoman GIFFORDS from Arizona, in writing a letter to our leadership asking them for the emergency border funding for this piece of legislation. We could not let the Senate gridlock sacrifice our ability to keep the border secure.

Last night, we were pleased to join Chairman PRICE in cosponsoring H.R. 5875, the bill that will provide these resources for the border. This bill is paid for, and not a penny will be borrowed. This bill will target funds just as the previous House-passed supplemental bill. It includes additional Border Patrol people that we need on the border, additional officers right at the points of entry. I ask support for this piece of legislation.

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

Mr. PRICE of North Carolina. Mr. Speaker, I yield 2 minutes to an outstanding chairman of our authorizing subcommittee, Mr. CUELLAR of Texas.

Mr. CUELLAR. I want to thank Chairman PRICE for taking the leadership in making sure that we provide the funding for the border. I certainly want to thank the authorizing chairman, Mr. BENNIE THOMPSON, and all the Members here that have worked so hard, and the ranking member, also, for all the work that he has done.

I live on the border, my family lives on the border, my brother is a sheriff there on the border in Webb County, so I understand what's been happening there on the border for the last 54 years that I have lived there. I would have to say that this would be the largest infusion of resources that the border has ever gotten at one particular time: 1,200 Border Patrol, ICE agents, ATF, FBI, other folks who make sure that we have the right mixture of technology, including two UABs that are so important to put eyes in the sky, and certainly to make sure that we get other communications to do this. This will allow us to make sure that we stop the drugs and make sure that we secure the border. And this is one point that is very important: if we secure the border, then we secure the rest of the United States. This is why this effort is so important.

So, Chairman PRICE and the ranking member, I thank all of you for the work that you have done. And again, Members, I ask you to support this very important funding for the security of our Nation.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Speaker, I yield 2 minutes to another outstanding Member who has worked tirelessly to secure the border, Mr. TEAGUE of Arizona.

Mr. TEAGUE. Thank you, Chairman PRICE, and thank you for the work that you've done.

Mr. Speaker, I rise tonight in support of a supplemental appropriation bill to secure our border now.

A drug war is being waged along our border, threatening communities, families and our livelihoods in border States. And while the violence only continues to escalate, Congress seems content to step back and ignore the issue.

The drug violence is an immediate threat, and it calls for immediate action. It is deeply troubling that the Senate failed to take this opportunity to protect our national security and secure our borders. That is why I am proud to bring this bill to secure our borders to the floor tonight.

Mr. Speaker, deploying our National Guard troops to the border is critical, but we also need an increased and sustained presence of Border Patrol to protect our citizens. This bill does that by providing additional Border Patrol agents and resources for local law enforcement agencies located near the border through important programs like Operation Stonegarden.

Something important that this bill will fund are added forward operating bases for our Border Patrol. FOBs get our agents on the ground, on the border, where they can protect our citizens 24 hours a day, 7 days a week.

Currently, to protect the fine Americans living in the New Mexico boot heel, Border Patrol agents must travel 85 miles from their station in Lordsburg, New Mexico. This costs the Border Patrol agents hours in travel time before they even begin their work. This bill will get agents on the line protecting New Mexican citizens.

Mr. Speaker, the safety of our communities and our country is too important to subject to partisan politics.

The House has already passed this legislation, and I urge my colleagues to stand up for our national security once more. Vote ''yes'' to protect the communities along the southern border.

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

Mr. PRICE of North Carolina. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore (Mr. SCHAUER). The gentleman from North Carolina has 10 minutes remaining.

Mr. PRICE of North Carolina. I yield 2 minutes to Ms. GIFFORDS of Arizona, who is a sponsor of this bill and has also worked with citizens in her region ever since she came to this Congress to secure the border and to make certain that the citizens of Arizona on the border region were safe and protected.

Ms. GIFFORDS. Thank you, Chairman PRICE, for your leadership.

Mr. Chairman, the last couple of days have been extremely difficult for me because I represent the most porous part of the U.S.-Mexico border.

I'm thinking right now about Rob Krentz, a fifth-generation Arizona rancher whose family ranched on their land since before Arizona even achieved statehood. On March 27, Rob Krentz was heartlessly murdered on his land, murdered on his land that was in his family's hands for over 100 years.

Five years ago, the Tucson sector of the Border Patrol apprehended over 500,000 illegal immigrants in my community. Last year, 242,000 illegal immigrants were apprehended in the Tucson sector of the Border Patrol, and year to date we are at over 180,000 illegal immigrants apprehended in the Tucson sector. Last year we hit another record, 1.2 million pounds of marijuana seized in the Tucson sector. So for those of you who are saying that this is not critical, that keeping Americans safe is not critical, whether you live directly on the border or you live in other parts of the country, is outrageous.

The Federal Government needs to step up and take responsibility now and stop pointing fingers and blaming other people. So for those Senators who voted ''no'' last week, they said no to those ranchers who live along the U.S.-Mexico border, they said no to those National Guard troops who are being deployed next week, not in a vacuum, with resources coming in behind them, and they said no to Federal law enforcement officials, those who are not going to be receiving Operation Stonegarden grants.

Mr. Chairman, this is outrageous that the Federal Government, the United States Congress, Democrats and Republicans working together, are not fixing this problem. Because in Arizona, in my sector with my constituents, this is our BP oil spill crisis. But this crisis has not been going on for a couple of months. It's been going on for years—years and years. And now tonight is our opportunity to step up and finally do something about it. So, Mr. Chairman, you can only imagine how outrageous I find this debate to be. I urge Members to support this bill.

□ 2030

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

Mr. PRICE of North Carolina. I yield myself such time as I may consume to respond to some of the pertinent questions raised by our ranking member.

Mr. Speaker, the gentleman has raised a series of questions which deserve answers. I will briefly attempt to provide those answers, and then we will, perhaps, bring this debate to a close.

The gentleman asked: Why this bill in this form at this point?

The answer to that is very simple, which is that it was only this week that the Senate stripped these provisions from the supplemental appropriations bill. Up until this point, our hope was—and, indeed, our expectation was—that the Senate would find a way to pass these border security provisions, or some major portion of them, in the supplemental appropriations bill. It is only because that did not happen that we find ourselves in this position here tonight, offering those provisions as a free-standing bill.

The gentleman asked: Does this somehow supplant the regular bill?

Absolutely not. As the gentleman knows, we have worked cooperatively in putting together the 2011 Homeland Security bill, and that bill addresses border security in serious ways. It builds on the work we have done in the last number of years to fortify that border, to equip those who are protecting the border and to have adequate personnel at the border. So the 2011 bill is going to address these matters and in a serious way. We still hope and expect to send that bill to the President this fall.

This, however, is an emergency supplemental, a supplemental which was debated on this floor weeks ago, which addresses the urgent needs. Our colleagues from the border regions have made it very, very clear tonight, I believe, that these urgent needs really shouldn't have to wait for that regular bill, but it absolutely takes nothing away from the regular 2011 bill.

The gentleman made some assertions as to what might have happened had the markup gone forward on schedule yesterday. The fact is that neither of us knows exactly what would have been offered, much less how the votes might have gone.

I do want to address one very serious matter, though, and that is the question of offsets, the question of where this bill fits in the overall budget picture.

As I said in my opening statement, when the President requested a $600 million border security supplemental on June 22, he proposed the offsetting of $100 million of these funds, and he designated the rest as an emergency. This bill is consistent with that request. It funds $500 million under an emergency designation. It offsets $201 million from unobligated balances from DHS and DOJ.

As I said, this is entirely consistent with past practice under the leadership of both parties. When Mr. ROGERS was chairman of the Homeland Security Appropriations Committee and when the Republicans were in control of this body and were in control of the administration, Congress passed three emergency spending bills for the Southwest border, and none were offset.

Of these bills, the administration, in fact, requested only one as an emergency. The other two bills contained border security funding, added by a Republican-controlled Congress, not even requested by the administration, and congressional Republicans unilaterally deemed this as emergency funding.

The situation on the border necessitates immediate action. It makes it a true emergency. Why would the minority or anybody else consider this a less emergent priority than fighting the Taliban or stabilizing Iraq? No questions are ever raised about the emergency status of those funds. These are missions that are much more expensive, I might add.

Finally, let me quote a letter that we got from Mr. ROGERS, Mr. LEWIS, and other leading Republican Members a mere week ago. This has to do with the kind of enforcement efforts that might be undertaken on the Southwest border:

While cross-border criminal activity is not a new phenomenon, it has escalated into an unquestionably clear and present threat to the security of the United States. Therefore, we believe it is necessary to pursue any and all means of addressing this threat within the parameters of the law.

Mr. Speaker, I submit that that is exactly what our supplemental emergency appropriations bill does, and for that reason, I urge its adoption.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, the gentleman is correct. Years ago, when we requested and put in the bill funding for the border, some of it was so-called ''emergency spending,'' but that was at a time when we did not have a $1.4 trillion annual deficit. Times were different. We are in a monetary crisis in the country now. So that is the reason that I believe now is not the time to use what is called ''emergency money,'' which means borrowed money. It means not paying for it. This is not the time to do that.

Mr. Speaker, the drug cartels have demonstrated that they will not relent so long as there is a viable way to smuggle their drugs and money—blood money—across our border. To take this threat lightly or to address it with only half-baked ideas which are brought up under suspension, at night and without any preparation, will only, I think, get us further into the morass.

The last thing we want to do is to cause trouble for President Calderon as the drug war reaches its boiling point, because he has been so diligent in his efforts. We must not rush into something that does not have their, President Calderon's, complete understanding and agreement.

So that means we must get our border security right through serious solutions, having thought through them carefully and having worked with our allies in the matter rather than through reckless spending and flawed political gimmicks like this bill is. It is not paid for. It is incomplete, and it is absolutely no substitute for the urgently needed fiscal 2011 Homeland Security appropriations bill.

Now, as to this funding and as to the urgent need that it is said to represent, the Congressional Budget Office told me that none of this bill's funding will outlay in this fiscal year. According to the CBO, this money will not be used in this year. What that tells me is that this bill is really padding the fiscal 2011 regular bill process.

Where is our fiscal 2011 bill?

It is almost August. We're going on recess for 6 weeks, and there is no bill that this Congress has produced that the Democrat majority has put before us to fund the department a few days later.

Where is the bill?

We had it scheduled to be heard in the full committee yesterday. Ten minutes before we were to convene and mark up the fiscal 2011 bill, which could have included moneys like this in the regular process, they canceled the hearing. They pulled the rug out. We are not worried, they apparently said, about the Nation's security.

Where is the bill?

This is neither a substitute for the regular department bill that funds everything nor is it the substitute for one that funds the border war. Bypassing regular order and throwing more money at the border is not responsible leadership with regard to our Nation's security needs.

Though, Mr. Speaker, it is not too late. The Democrat majority can still make up for all of the lost time and for all of the inaction this year, and it can move the DHS fiscal 2011 and CJS appropriations bills to properly address our border security and enforcement needs. That is what I would have proposed had we actually convened our markup yesterday, had we moved the fiscal bill through regular order, and had we had a genuine and thoughtful debate on our security priorities. Somehow, I don't think I'm going to get that chance.

So I caution Members to consider this bill very carefully, and I urge the Democrat majority to move the regular appropriations bills through regular order with all due haste.

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

Mr. PRICE of North Carolina. Mr. Speaker, I believe we are ready to move to a vote. I appreciate the comments of the gentleman from Kentucky, and I, of course, share his hope that we will in reasonably short order have progress to report on the fiscal 2011 Homeland Security bill.

□ 2040

We have that bill assembled. We have put it through the subcommittee process, and we plan to proceed with it in due course.

I stress, this bill tonight is in no way a substitute for that bill. This bill tonight is not new. This bill was passed by this House. The exact language, the exact provisions were passed by this House on July 1 as part of a supplemental appropriations bill, and the only reason it is before us tonight as a freestanding measure is because of the Senate's unwise action in stripping these border security provisions from the bill.

As for the emergency spending, we did run surpluses in this country in the 1990s. We remember that period when we were actually paying off part of the national debt. Unfortunately, that's not the period we're talking about when we talk about the previous precedents that have been set in this area.

The emergency spending that was done during the last administration in this border security area on three occasions under Republican leadership, this was done not at a time of budget surpluses; it was done at a time, in fact, when this Nation was sinking deeper and deeper into debt.

We have no more speakers on our side. I appreciate the attention of our colleagues, and especially the work that has gone into this measure from our colleagues on the southwest border. They have been absolutely tireless in standing up for their constituents and in calling to the rest of the Congress and the rest of the country this emergency situation that demands to be addressed.

Mr. CUELLAR, I think it was, this afternoon said to the press, however, that this isn't just a border matter. This isn't just a border security. This is a matter of national security. It's a matter of urgent national security.

And so we're grateful for those who have worked very quickly now, after the developments in the Senate, have worked very quickly to put this bill forward in this form. We urge its passage. We want to send it along to the Senate and hope very much that this bill will be law in a matter of days and that we can get the emergency relief where it's needed. And then, of course, we will address all of these matters more systematically and in a more long-term basis in the regular appropriations bill.

Mr. REYES. Mr. Speaker, I rise today to shed light on the talk and walk Republicans in Congress. They are on the Sunday talk shows stating that we have an emergency situation at our Nation's borders. They are on the campaign trail saying that border security is broken. They criticize the administration on its efforts to keep our borders safe and secure and yet when it came time to vote on the $700 million to secure our borders, they walked away.

Indeed, when the FY2010 Supplemental went to the Senate for a vote, not one Republican stood up for increased border security. On the contrary, they talked and then they walked. I was disappointed because even the Republican Senators from my home State of Texas voted against border security.

The challenges our border communities face each and every day along the border are an emergency, and we need to do all we can to ensure the safety and security of our 2,000-mile long border with Mexico.

But thanks to the House leadership, we are once again attempting to secure our border by moving to strengthen our border with $700 million in emergency funds. These funds will:

Add 500 Customs and Border Patrol Officers to our understaffed ports of entry;

Add 1,200 additional Border Patrol agents between ports of entry;

Increase funds for Immigration and Customs Enforcement activities that would reduce the threat of narcotics smuggling and violence;

Improve tactical communications for those on the ground;

Provide funds for workforce integrity investigations and training for new officers and agents; and

Support local law enforcement along the border with additional Stonegarden grants.

I ask my colleagues to seriously consider the importance of giving our law enforcement officers who are working along the border the resources they need to enhance our border security. In particular, the 500 additional Customs and Border Patrol Officers are of concern because GSA estimates that we need 5,000 more officers in order to fully staff our ports of entry—1,000 per year for five years.

Increasing staffing of our CBP Officers is critical both to expedite the flow of trade and commerce and more effectively screen out illicit drugs, weapons, human smugglers, and any other potential criminals. It would also give us greater ability to conduct southbound checks so that we can also curb the supply of arms, illegal narcotics and cash going into Mexico and fueling violence there.

Residents in our border states know this is an emergency because they live it each and every day. I urge my colleagues on the other side of the aisle to go beyond talking about supporting our borders. I urge you to turn that talk into action and vote for the Emergency Border Security Supplemental Appropriations Act of 2010.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. PRICE) that the House suspend the rules and pass the bill, H.R. 5875.

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

A motion to reconsider was laid on the table.

INDEPENDENT LIVING CENTERS TECHNICAL ADJUSTMENT ACT

Ms. CHU. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5610)

to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

In section 2(a)(2)(A), strike ''July 30'' and insert August 5.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 5610 into the RECORD.

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

There was no objection.

Ms. CHU. I yield myself as much time as I may consume.

Mr. Speaker, a month ago we passed H.R. 5610, the Independent Living Centers Technical Adjustment Act, to provide a necessary fix to protect services for the many people with disabilities who benefit from the work of the independent living centers. This fix will allow States to request that ARRA funds not be included in determining their centers' previous year allocations so that the temporary funds provided under ARRA do not permanently change centers' base allocations.

The Senate amendment before us today changes the deadline for States to make that request from July 30 to August 5 so that eligible States can make use of this fix after this bill is passed.

I urge you to support this technical change to ensure independent living centers can continue the important work for people with disabilities in our communities.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5610, the Independent Living Centers Technical Adjustment Act.

Independent living centers provide a valuable service, including employment, skilled training, peer counseling, and information for people with disabilities.

H.R. 5610, the Independent Living Centers Technical Adjustment Act, as passed in the House and Senate, allows States to apply to the Department of Education for a waiver to disregard funds received under the American Recovery and Reinvestment Act in the fiscal year 2010 allotments.

Because of a discrepancy in how current law factors in prior year funds, some independent living centers will see dramatic decreases in the funding that they will receive this year. This technical fix will enable funds granted through the Rehabilitation Act to be distributed to independent living centers in a more fair and appropriate manner for this year.

The House-passed version of this legislation allows States to apply for these important waivers until July 30. Because the deadline included in the original version of H.R. 5610 does not provide sufficient time for States to take advantage of these waivers, the Senate extended the timeline until August 5.

Mr. Speaker, I stand in support of this bill, which will assist independent living centers that help disabled persons live full and productive lives, and I ask for my colleagues' support.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5610.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GROWN IN AMERICA ACT

Mr. CARDOZA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1558) expressing the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1558

Whereas American farmers produce the most abundant food supply in the entire world;

Whereas, on average, each farmer provides enough food and fiber to meet the needs of 155 people in the United States and abroad;

Whereas the majority of farms in the United States are family owned;

Whereas everyday products from crayons to fuel are produced by America's farmers and ranchers;

Whereas American farmers take pride in their yearly harvest, and consumers value ''grown in America'' produce, and in doing so contribute to the protection of American's ability to be self-sufficient, create jobs, and remain a world leader;

Whereas rural Americans honorably serve their country in peace time and in war, sacrificing their lives for their land and Nation;

Whereas, as a sign of support, rural Americans regularly display the flag in their homes, on their barns, and anyplace else they can find to share their love of flag and country;

Whereas this bounty is not only a symbol of the selflessness of the American farmer but is a symbol of the generosity of our Nation;

Whereas the image of the American flag gives inspiration to our Nation's farmers that produce our most valued products that we are so dependent on;

Whereas the American flag is our most honored national symbol;

Whereas the American flag commands respect and admiration;

Whereas the American flag reminds us of our Nation's commitment to hard work and our historic ability to rise to any occasion;

Whereas the American flag symbolizes freedom, the entrepreneurial spirit, and the path to our own individual destinies;

Whereas the American flag symbolizes the noble dreams of our founding fathers, the freedoms fought for by our soldiers, and the most noble aspirations in history of the human spirit; and

Whereas the American flag has served throughout our Nation's history as the needle with which we have sewn our patriotic seed: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARDOZA) and the gentlewoman from Ohio (Mrs. SCHMIDT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1558.

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

There was no objection.

□ 2050

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

Mr. Speaker, in my district my farmers produce a bounty of fruits and vegetables that feed families across the country and abroad. My farmers work hard in the field every single day. They love their families, their farms, and the healthy products that they grow. They also love their country. As with many of my constituents, they are proud to fly the American flag on Memorial Day and the Fourth of July.

My resolution, the Grown in America Act, encourages farmers across the country to feature the American flag on their packaging so that all Americans know quickly and easily that the food that they are feeding their families is grown with pride right here in the good old USA.

In the U.S., we have 310 million consumers to feed, and much of the food is supplied by our hardworking farmers right here at home. Whether you realize it or not, agriculture is at the center of many of our vital issues: feeding the hungry, improving our health, addressing the crisis of childhood obesity,

emphasizing the importance of the school lunch program and much, much more.

Where does that food come from? From people across the United States who are becoming more curious about their food sources. They want to know more about the food products themselves and who grew it.

This resolution also has a practical application. Starting in 2002, Congress mandated that all food products be labeled with their country of origin. We had a sense that consumers wanted to know the true origins of their food. And when given that choice, consumers will choose an American-made product most every time. This choice strengthens demand and prices for U.S. farmers and ranchers. It is also important that the public understand the vital role domestic agriculture carries out to produce the safest and highest quality food in the world.

Agriculture not only serves the public with high quality food, but it also creates jobs right here. In a time of economic hardship, a strong agricultural sector is needed to ensure employment at multiple levels. We often use the expression ''farm to fork'' in reference to the jobs gained as a certain commodity is grown, harvested, packed, bagged, labeled, shipped, and sold at local farmers' markets and in our neighborhood grocery stores.

With this resolution, consumers can be even more empowered to choose American products over foreign imports. The flag clearly communicates the origin of the fruit or vegetable, and it's easier to read than the fine print at the bottom of the label that reads ''Product of the USA.''

If we want to feed our children the healthiest possible foods and simultaneously try to create jobs in our country, then we need to encourage American production of American products. I'm proud of the great agricultural tradition of this country, Mr. Speaker, and I encourage my colleagues to support this resolution.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of House Resolution 1558, which expresses the sense of Congress that our Nation's farmers use the American flag to promote fruits, vegetables, and commodities produced in the United States.

In the early 20th century, about 40 percent of Americans were engaged in agricultural production. Today, that number is down to 1.75 percent. Our Nation's farmers and ranchers provide Americans the safest, most affordable, and most abundant food supply in the history of the world. Our bounty of sustainable and nutritious food is so great that we also feed countless millions around the world.

America's farmers and ranchers endure uncertain weather, regulatory burdens, and animal and plant disease and pest threats in order to participate in a highly competitive global market. This resolution encourages them to stand tall for what they provide for us every day.

When passage of the 2008 farm bill closed the long-running debate on mandatory country-of-origin labeling for fruits, vegetables, meat, and poultry, there remained considerable concern among opponents that we should not impose labeling on our producers. The reasoning held that origin labeling is an element of marketing and should be left to the producers, processors, packers, and retailers that bring America's food to our tables. Proponents of labeling argued that affixing country-of-origin labeling would enhance value and benefit farmers and ranchers.

Mr. Speaker, no matter what position an individual has taken on the question of country-of-origin labeling, it is easy to support this resolution. House Resolution 1558 simply asserts that the American flag is such a positive attribute that farmers are encouraged to use this symbol to promote the products they grow here at home in America.

Mr. Speaker, I support this resolution because it encourages our farmers and ranchers to act in what we believe to be their own self interest, while refraining from additional regulatory requirements or burdens.

I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I want to thank the gentlelady from Ohio, the ranking member on my committee, for her support of this resolution. It's a pleasure to serve with her on the Horticulture and Organic Subcommittee of the Agriculture Committee. I would just say that support of this resolution is in fact, as she said, something that will help promote products, and it is voluntary.

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

Mr. CARDOZA. Mr. Speaker, I ask my colleagues to support the motion, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and agree to the resolution, H. Res. 1558.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BENTON MACKAYE CHEROKEE NATIONAL FOREST LAND CONSOLIDATION ACT OF 2010

Mr. CARDOZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4658) to authorize the conveyance of a small parcel of National Forest System land in the Cherokee National Forest and to authorize the Secretary of Agriculture to use the proceeds from that conveyance to acquire a parcel of land for inclusion in that national forest, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4658

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 ''Benton MacKaye Cherokee National Forest Land Consolidation Act of 2010''.

SEC. 2. LAND CONVEYANCES, CHEROKEE NATIONAL FOREST, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Agriculture (in this section referred to as the ''Secretary'') shall convey and quitclaim to the Towee Falls Baptist Church all right, title, and interest of the United States in and to a parcel of National Forest System land in Cherokee National Forest consisting of approximately 66.5 acres surrounding the Towee Falls Baptist Church, as generally depicted on the map titled ''Legislative Map H.R. 4658'' and dated June 1, 2010 (in this section referred to as the ''parcel'').

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance of the parcel, the Towee Falls Baptist Church shall pay to the Secretary an amount of cash equal to the market value of the parcel based on an appraisal approved by the Secretary.

(2) DEPOSIT OF CONSIDERATION.—The consideration received under paragraph (1) shall be deposited into the account in the Treasury established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(3) USE OF CONSIDERATION.—

(A) IN GENERAL.—Monies deposited pursuant to paragraph (1) shall be available to the Secretary, until expended and without further appropriation, for the acquisition of lands and interests in land in the Cherokee National Forest in Tennessee.

(B) ACQUISITION OF DOC ROGERS TRACT.—Congress finds that it is in the public interest that the Secretary acquire from the Monroe County Tennessee Board of Education all right, title, and interest of the Board of Education in and to a tract of land in Monroe County, Tennessee, consisting of approximately 102 acres and known as the ''Doc Rogers tract''. The Secretary may apply the monies deposited pursuant to paragraph (1) to acquire the Doc Rogers tract if the Secretary and the Monroe County Tennessee Board of Education reach agreement on the terms of a Federal acquisition.

(c) VALUATION.—The parcel will be appraised in accordance with appraisal specifications prescribed by the Secretary, and such specifications shall include that the parcel be valued as a free standing lot unconnected with any larger tract, and unencumbered with any Forest Service special use authorization held by the Church.

(d) CONDITION OF CONVEYANCE.—The conveyance of the parcel shall be subject to the condition that the Towee Falls Baptist Church accept the parcel in its condition at the time of conveyance (commonly known as a conveyance ''as is'').

(e) SURVEY AND COSTS.—The exact acreage and legal description of the parcel shall be determined by a survey satisfactory to the Secretary of Agriculture. The cost of the survey and all other costs incurred by the Secretary to convey the parcel shall be borne by the Towee Falls Baptist Church.

(f) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance of the parcel as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3. STATUTORY PAY-AS-YOU-GO LANGUAGE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARDOZA) and the gentlewoman from Ohio (Mrs. SCHMIDT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4658.

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

There was no objection.

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

Mr. Speaker, H.R. 4658, the Benton-MacKaye Cherokee National Forest Land Consolidation Act, authorizes the conveyance of land in the Cherokee National Forest and authorizes the Secretary to use the proceeds of the sale of that land for purchase of other suitable land within the forest. This bill, sponsored by my colleague from Tennessee, Representative DUNCAN, has the support of the Forest Service.

Specifically, this legislation would relieve the Forest Service of a 66.5-acre parcel of land that has long been maintained by the Towee Falls Baptist Church. The church will purchase the land at a fair market value to make the needed expansion to the property's cemetery and church buildings. The proceeds of the sale will be used to purchase the Doc Rogers Tract within Cherokee National Forest. This tract is close to the Benton-MacKaye Hiking Trail, which feeds into the Appalachian Trail. The local community supports this sale, including the parcel into the forest boundary.

I encourage all my colleagues to support the legislation.

□ 2100

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

Mr. Speaker, I rise in strong support of H.R. 4658, a bill that authorizes two land exchanges in the Cherokee National Forest. This legislation authorizes the Forest Service to sell a 66-acre tract of land to the Towee Falls Baptist Church in order to enlarge their cemetery which is within the boundary of the national forest. The funds the Forest Service receives from this sale will be used to purchase a 102-acre tract of land to add to the national forest. I think it's a good deal. The land exchanges would ensure better land management by the Forest Service and the Cherokee National Forest.

This bill will not cost the taxpayers one penny. The church is responsible for all costs associated with the purchase of the land. The gentleman from Tennessee (Mr. DUNCAN) has worked with the Forest Service to ensure that this bill is drafted in a manner that is acceptable to all interested parties, including the community. I think this is a great idea. I hope my colleagues will join me in supporting this bill.

Mr. DUNCAN. Mr. Speaker, I rise in support of my amended bill, H.R. 4658, the Benton MacKaye Cherokee National Forest Land Consolidation Act.

This bill is a simple bill that authorizes the Secretary of Agriculture to convey to the Towee Falls Baptist Church a 65-acre parcel of National Forest System land in the Cherokee National Forest, which surrounds the Church.

The bill would also allow the Forest Service to acquire from the Monroe County Tennessee Board of Education an 102-acre parcel of land in Monroe County, Tennessee, known as the Doc Rogers tract. The result is a net increase of 37 acres for the Cherokee National Forest.

This bill is very important to Monroe County, Tennessee, a rural county in my District that is struggling economically. This bill is a win-win for all parties involved.

The Towee Falls Church sale would allow the Forest Service to dispose of a piece of property and end an inholding created by the granting of a permit to the church in question in 1946.

The Church is a willing buyer of the additional property to expand its building and cemetery, the latter of which will soon be full.

The sale of the Doc Rogers tract would allow the Monroe County School Board to dispose of a piece of property that the Forest Service would like to purchase because it is traversed by the Benton MacKaye Trail, a hiking trail that feeds into the Appalachian Trail.

This bill is named in honor of Benton MacKaye, who was an American forester, planner and conservationist who lived from 1879 to 1975. He helped pioneer the idea of land preservation for recreation and conservation purposes.

Mr. MacKaye is best known for developing the idea of the Appalachian Trail, the National Scenic Trail that runs 2,179 miles from Georgia to Maine and runs through my District in Tennessee.

Mrs. SCHMIDT. I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and pass the bill, H.R. 4658, as amended.

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

A motion to reconsider was laid on the table.

STORY COUNTY, IOWA LAND CONVEYANCE

Mr. CARDOZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5669) to direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5669

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

SECTION 1. PURPOSES AND DEFINITIONS.

(a) PURPOSES.—The purposes of this Act are—

(1) to direct the conveyance of approximately 44 acres, more or less, of Federally owned land administered by the Agricultural Research Service to the City of Ames, Iowa; and

(2) to authorize the use of the funds derived from the conveyance to purchase replacement land and for other purposes relating to the National Animal Disease Center.

(b) DEFINITIONS.—In this Act:

(1) CITY.—The term ''City'' means the City of Ames, Iowa, and its assigns.

(2) PROPERTY.—The term ''Property'' means approximately 44 acres, more or less, of the Federally owned land comprising part of the National Animal Disease Center, which—

(A) was acquired by the United States in 1951 within sec. 1, T. 83 N., R. 24 W., Fifth Principal Meridian; and

(B) is generally located on 13th Street in the City.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 2. PROPERTY CONVEYANCE.

(a) IN GENERAL.—On receipt of the consideration and cost reimbursement provided in this Act, the Secretary shall convey and quitclaim to the City, all rights, title, and interests of the United States in the Property subject to easements and rights of record and such other reservations, terms, and conditions as the Secretary may prescribe.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance authorized by this Act, the City shall pay to the Secretary an amount in cash equal to the market value of the Property.

(2) APPRAISAL.—

(A) IN GENERAL.—To determine the market value of the Property, the Secretary shall have the Property appraised for the highest and best use of the Property in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(B) REQUIREMENTS.—The appraisal shall be subject to review and approval by the Secretary, and the approved appraisal shall at all times be the Property of the United States.

(c) CORRECTIONS.—With the agreement of the City, the Secretary may make minor corrections or modifications to the legal description of the Property or configure the Property to facilitate conveyance.

(d) COSTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the City shall at closing pay or reimburse the Secretary, as appropriate, for the reasonable transaction and administrative costs incurred by the Secretary associated with the conveyance authorized by this Act, including personnel costs directly attributable to the transaction, and the transactional costs of appraisal, survey, title review, hazardous substances examination, and closing costs.

(2) ATTORNEYS FEES.—The City and the Secretary shall each bear their own attorneys fees.

(e) HAZARDOUS MATERIALS.—

(1) IN GENERAL.—For the conveyance authorized by this Act, the Secretary shall meet disclosure requirements for hazardous substances, but shall otherwise not be required to remediate or abate those substances or any other hazardous pollutants, contaminants, or waste that might be present on the Property at the time of closing.

(2) LEAD-BASED PAINT OR ASBESTOS-CONTAINING BUILDING MATERIALS.—

(A) IN GENERAL.—Notwithstanding any provision of law relating to the mitigation or abatement of lead-based paint or asbestos-containing building materials and except as provided in subparagraph (B), the Secretary shall not be required to mitigate or abate any lead-based paint or asbestos-containing building materials present on the Property at the time of closing.

(B) REQUIREMENTS.—If the Property has lead-based paint or asbestos-containing building materials, the Secretary shall—

(i) provide notice to the City of the presence of the lead-based paint or asbestos-containing building materials; and

(ii) obtain written assurance from the City that the City will comply with applicable Federal, State, and local laws relating to the management of the lead-based paint and asbestos-containing building materials.

(f) OTHER TERMS.—The Secretary and the City may agree on such additional terms as may be mutually acceptable and that are not inconsistent with the provisions of this Act.

SEC. 3. RECEIPTS.

(a) IN GENERAL.—The Secretary shall deposit all funds received from the conveyance authorized under this Act, including the market value consideration and the reimbursement for costs, into the Treasury of the United States to be credited to the appropriation for the Agricultural Research Service.

(b) USE OF FUNDS.—Notwithstanding any limitation in applicable appropriation Acts for the Department of Agriculture or the Agricultural Research Service, all funds deposited into the Treasury pursuant to subsection (a) shall—

(1) be available to the Secretary until expended, without further appropriation, for the acquisition of land and interests in land and other related purposes of the National Animal Disease Center; and

(2) be considered to authorize the acquisition of land for the purposes of section 11 of the Act of August 3, 1956 (7 U.S.C. 428a).

SEC. 4. STATUTORY PAY-AS-YOU-GO LANGUAGE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARDOZA) and the gentlewoman from Ohio (Mrs. SCHMIDT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 5669.

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

There was no objection.

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

Mr. Speaker, H.R. 5669 would authorize the Secretary of Agriculture to sell a parcel of land that is part of the National Animal Disease Center to the city of Ames, Iowa, in order to facilitate the building of a new water treatment facility.

Faced with increasing demand and aging infrastructure, the city has determined that the most cost-effective solution is to build a new plant. The land owned by USDA adjacent to the National Animal Disease Center is such a suitable location. If Congress does not authorize this land for sale, then the city of Ames may find itself in the unpopular position of using eminent domain to acquire land to move forward with the project.

It makes sense to move this legislation quickly so that a needed infrastructure project can move forward, especially since the United States Department of Agriculture has expressed support for this legislation.

I urge my colleagues on both sides of the aisle to join me in supporting this bill.

I reserve the balance of my time.

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

Mr. Speaker, today I rise in support of H.R. 5669. This bill will allow the Agricultural Research Service to convey 44 acres of land in Ames, Iowa, to the city of Ames. The funds derived from this conveyance will then be used by the Agricultural Research Service to purchase replacement land and for other purposes relating to the National Animal Disease Center.

The National Animal Disease Center located in Ames, Iowa, is the largest Federal animal disease center in the United States. This facility, along with the National Veterinary Services Laboratory and the Center for Veterinary Biologics co-located on the same site, make up our National Centers for Animal Health.

The USDA has advised that it no longer has any use for the land to be conveyed and that it supports this legislation.

This legislation is important for the continued development and operation of this critical laboratory facility, and I ask my colleagues to support this legislation.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentlewoman from Ohio for yielding and the gentleman from California, and I certainly want to thank Chairman PETERSON and Ranking Member LUCAS for waiving jurisdiction so that we could shepherd this bill to the floor, H.R. 5669.

This bill really is a solution for the city of Ames and the local landowners. H.R. 5669 will allow the city to buy land from the USDA's National Animal Disease Center and use that land to build a modern water treatment plant.

Before introducing this legislation, city officials were exploring the acquisition of nearby farmland by eminent domain. This bill will prevent a conflict between the city of Ames and the local landowners. The farmland in question is highly productive land. In fact, it's a century farm. It has been in that family for over 100 years. Century farms have a special status in Iowa, and the families who have carried on the tradition of farming have deep ties to the soil.

Working with the city of Ames and the USDA, I believe we have found a way to preserve this fertile land and honor the memory of the man who began farming it, Abel Powell Griffith. Griffith, a Union Army veteran, picked this land because it was near Iowa State University, and he knew his descendants would be able to get a quality education while making a living through farming.

H.R. 5669 is a win for everyone involved. Ames, Iowa, will be able to proceed with its water treatment facility, residents will have clean water, the Animal Disease Center will be able to plan for its needs, and the landowners will be spared the loss of productive farmland.

I appreciate very much the time.

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

Mr. CARDOZA. Mr. Speaker, I want to congratulate my friend and colleague from Iowa for doing what seems to be a very responsible piece of legislation here.

I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and pass the bill, H.R. 5669, as amended.

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

A motion to reconsider was laid on the table.

CONGRATULATING JOHN COLEMAN ON HIS CONFIRMATION AS COMMISSIONER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate Mr. John Coleman from Port Matilda, Pennsylvania, on his Pennsylvania State Senate confirmation as Commissioner of the Pennsylvania Public Utility Commission.

Coleman recently resigned as the president and CEO of the Chamber of

Business and Industry of Centre County after 11 years of dedicated service. Under John's leadership, the chamber experienced significant organizational growth, becoming the largest business membership organization in central Pennsylvania. He oversaw such projects as the construction of the 217-acre Benner Commerce Park, adding to his reputation.

Through his work in State College, Mr. Coleman has proven himself to be an effective leader, and as he prepares to pick up and move to Harrisburg, I am certain he'll be a valuable addition to the commission. In Harrisburg, he will join the five-member commission, which provides oversight to more than 8,600 utility and transportation companies and provides work for approximately 500 employees.

His experience as president of the chamber, as well as his overall expertise, will certainly prove useful during his service in Harrisburg. I wish Mr. Coleman the best of luck in his upcoming endeavor.

□ 2110

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.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HONORING BARBERTON POLICE CHIEF MICHAEL KALLAI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, I rise today with a heavy heart to honor the life and service of Barberton Police Chief Michael Kallai. On June 30, Chief Kallai suffered a fatal heart attack while vacationing in Tennessee with his family.

Chief Kallai was a committed public servant, a 32-year veteran of the Barberton Police Department, serving the last 13 years as police chief.

But, most importantly, he was the loving and devoted husband of 35 years to his wife, Jennifer, and the proud father of four—Michael, Jr., Joe, Zak and Vanessa.

Chief Kallai was also very proud to be an assistant wrestling coach at Wadsworth High School for the past 19 years.

He was born in Barberton, Ohio, and lived in the area all of his life, and he touched the lives of people all across our community with his outgoing spirit.

Chief Kallai was known as a cop's cop and a true professional. His death was a shock to his family and the City of Barberton and the numerous communities throughout Ohio which he touched.

Over the past weeks, we have seen just how much he meant to so many. Though he was soft spoken, Mike had a commanding presence and was very well respected and, as the hardest worker on the force, helped every service department in Barberton in some way or another.

So much love was felt for the chief throughout the community that over 100 former and present wrestlers, who were coached by Chief Kallai, were in attendance at his funeral. Police officers stood at attention outside the church in sweltering heat. The sea of blue uniforms was a testament to the fraternal brotherhood of police that he embraced, the thin blue line.

His spirit and dedication to our community will be sorely missed, but his service and his sacrifice will never be forgotten.

Barberton was the community he grew up in. It was the community he served in and he embraced. His memory will live on in the hearts of his family, friends, and our community.

Chief Kallai will truly be missed. We will always remember Mike for his commitment to his community and his dedication to his family. He was a friend and a leader, and he leaves a void that cannot be filled.

On behalf of the people of Ohio's 13th District, I want to express my deepest sympathies to the Kallai family. They have lost a great son, brother, husband, father, and grandfather who passed away much too soon, and we have lost a true friend and committed member of our community.

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.)

PEARLAND HIGH SCHOOL LADY OILERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Mr. Speaker, I rise today to congratulate the Pearland High School Lady Oilers for winning the UIL–5A State softball championship.

The Lady Oilers defeated Austin Bowie on June 5 with a 4–0 victory. It's impressive to note that five Lady Oilers were named to the UIL State All-Around Team. Coach Laneigh Clark and her softball team posted an impressive 37–6-1 record for the season.

There is no question that these students have the leadership, dedication, and commitment that it takes to achieve great things now and in the future. They are persistent. They finished second last year; now they are number one.

The Lady Oilers are proven role models and a source of pride for Pearland. With hard work and dedication, they have achieved their lofty goals.

Mr. Speaker, I congratulate the Pearland Lady Oilers on their championship and thank them for representing their community and school in a manner befitting the champions that they are.

HELP THE UNEMPLOYED AND THE WORKING FAMILIES IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Madam Speaker, I rise today to encourage my colleagues to help the unemployed and the working families in America.

Last week we did the seemingly impossible. We helped millions of Americans that were no longer able to put food on the table because through no fault of their own, their company had to let them go. We sent a message that this Congress, and this President, would not leave them behind on our road to recovery.

Last month, over 8,300 jobs were added in the private sector in NYC alone. That's pretty significant, but we can do better.

While the unemployment rate is steadily dropping across the country, unemployment within minority communities is, at best, staying the same, at nearly double the rate. That's pretty significant too.

I have said this time and time again—but small business will drive our economy towards recovery. Our colleagues in the Senate are currently working on efforts to assist small businesses across the nation. They are helping to ensure that small businesses will have access to something desperately needed—credit. I support the work that the Senate is doing and hope that when this proposal returns to the House for a vote, my colleagues here will join me in support.

Let's not forget our working families—in particular, in communities of color. As our country moves forward, let's move forward together. Let's not leave anyone behind.

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.)

HONORING CHILDREN'S AID SOCIETY OF CLEARFIELD, JOHNSONBURG BOROUGH, AND TIOGA IN FIFTH DISTRICT OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise this evening to mark a number of very important anniversaries and celebrations within my congressional district.

First, today I rise to honor the compassionate work that goes on in the nearly 100-year-old Children's Aid Society house in Clearfield, Pennsylvania. On this coming August 6, the society will be celebrating its 120th anniversary, marking over a century of dedication and service.

Originally founded as a child welfare agency, which served to place orphan children into suitable homes, the Society eventually grew into a successful children's home. Several auxiliaries were established, from DuBois to Winburne, and they proved instrumental in fundraising, investigating homes, maintaining contact with the children placed in homes.

As the years passed, the Society also expanded within Clearfield and became involved in many programs, such as Big Brothers Big Sisters and the Health and Human Services Council.

This organization has received consistent praise and monetary support from the public and has battled through many financial and procedural issues. Their endurance through time and their far-reaching services attest to the authenticity of their work.

Mr. Speaker, I congratulate the Children's Aid Society on their success and wish them the best in the future. Here's to another 120 years of successful service.

Mr. Speaker, this also, this August, marks the 200th anniversary of the Johnsonburg borough in Elk County, and we will be celebrating this milestone in August.

Founded in 1810, its major industry was paper, with a mill still operating in the area. Originally owned by Curtis Publishing Company, which published the Saturday Evening Post, it was thought to be the largest coated paper mill in the world.

Once called Quay, Johnsonburg is the oldest settlement in Elk County. Considered a booming town along the Clarion River, former President Ulysses S. Grant used to come there to fish and visit the other retired Civil War generals.

As befits a 200th anniversary, the community will hold a grand celebration, including a parade and ceremonies at the Johnsonburg Fire Department, which is celebrating its own 100th anniversary.

There will be a social, fireworks display, a pancake breakfast, and a Fire Department Anniversary Dance. From carnival games to an Elvis impersonation, the 3 days of activities August 27 through 29 promises to hold something for everyone.

I am proud of this community in my district and wish it continued success and prosperity for the next 200 years.

Finally, Mr. Speaker, the tiny community of Tioga celebrates its 150th anniversary this year. It's located in Tioga County, Pennsylvania, near the border of New York State.

When it was founded, the community was a dense and overpowering wilderness of towering pines and hemlocks with deep undergrowth and teeming wildlife. The early inhabitants were tribes of Seneca Indians, who viewed it as prime hunting and fishing grounds.

□ 2120

It took a brave family, Jesse Losey and his wife, to travel from New Jersey and become the first settlers in the area. Later, Benajah Ives acquired the Losey land and built a house and inn at the southern part of Tioga Borough, now located beneath the Tioga Dam. There is even a story that Thomas Berry won Ives' Inn in a poker game, and it was at Berry's Inn that the first local elections were held in Tioga County in 1804.

It was 1860 when Tioga Borough was separated from Tioga Township and recognized as a separate political division. It is that date that is celebrated this year. The residents are proud of their town and their history, and I wish them sincere congratulations on this historic occasion.

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 gentleman from Alabama (Mr. BRIGHT) is recognized for 5 minutes.

(Mr. BRIGHT 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 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 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 Florida (Mr. PUTNAM) is recognized for 5 minutes.

(Mr. PUTNAM 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 gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN 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 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 Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

(Mr. LINCOLN DIAZ-BALART of Florida 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 Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

(Mr. FORTENBERRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MAKE IT IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. GARAMENDI. Mr. Speaker, before I start, I would like to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of Manufacturing in America. This is the subject of my Special Order tonight.

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

There was no objection.

Mr. GARAMENDI. Mr. Speaker, if I might just review with you and others what's happened since 2007 here in the United States. As this diagram indicates, beginning in 2007, the Great Recession during the George W. Bush administration, reaching its lowest point

in December of 2008 and January of 2009 where 750,000 jobs were lost. The Barack Obama administration came in in January of 2009 and within 2 months passed the first stimulus bill which leveled off the decline and slowly began the recovery of the American economy. And most every month since January of 2009 we've seen an improvement, so that in this year, in 2010, we are now seeing small, but important, gains in the employment in America. Some 600,000 jobs have been created over the last several months. This is the result of policies that were enacted by the Democratic Congress, the Senate, and signed by the President.

Those policies we need to understand. They began with the stimulus bill and carried on through several other pieces of legislation. In each and every one of those pieces of legislation, there was no help from our Republican colleagues. They were absent. They voted ''no'' on the American Recovery and Reinvestment Act; they voted ''no'' on the Workers, Homeownership, and Business Assistance Act—93 percent of them voted ''no.'' One hundred percent voted ''no'' on the stimulus even though, as you can see from the charts here, it stabilized the economy and then led to 2.8 million people keeping their jobs and getting a job here in the United States.

The Student Aid and Financial Responsibility Act, 100 percent of Republicans voted ''no,'' denying students larger loans, greater Pell Grants, and it goes on and on. The Cash for Clunkers—and we will hear from Ohio in a few moments—a majority of the Republicans voted ''no.'' The Democrats had to carry the day. The hiring incentives to restore employment, the HIRE Act, creating 300,000 jobs, again, it was the Democrats; the Republicans voted ''no.''

So after this 18 months of concerted effort to create jobs in America through the various stimulus programs, such as the Cash for Clunkers, the homeowners assistance programs, all of those, we're seeing an improvement. But this was the first 18 months. We are now moving on to the second half of the Democratic agenda. If I might just reach over here, this is the second half of the Democratic agenda, Make It in America; Make It in America so that America can make it.

Manufacturing matters, and that's the subject of our discussion. The first 18 months, get people back to work, stimulate the economy, set a solid foundation. We are now on the road to permanent improvement in the American economy through manufacturing.

Joining me here tonight are my colleagues from Wisconsin and from the great State of Ohio to talk about manufacturing in the Heartland—some of it a little cool, or cold, depending on the time of the year, and some of it, the central part of America's manufacturing sector.

I would like to ask the gentlewoman from Ohio, BETTY SUTTON, to join us and share with us her experiences about the great State of Ohio and ''making it in America.''

Ms. SUTTON. Thank you very much, Representative GARAMENDI, for your leadership as we move forward to activate our manufacturing base to revitalize our economy. By enacting policies that will work with our U.S. manufacturers and our workers, we are going to ''make it in America.''

Manufacturing is the backbone of our economy; it's the backbone of our national security and, frankly, the promise of the middle class. When I grew up, it was a time when people could count on a good manufacturing job to put food on the table and take care of their families and have a pension that they could count on that would be there when they retired, and security. But we've watched our Nation witness the loss of millions of good manufacturing jobs due to policies that put our companies and our workers at an unfair disadvantage. Over the last decade, we've certainly seen those effects across the country, but we've seen them in a big way in Ohio.

The U.S. has lost roughly 6 million manufacturing jobs, with Ohio losing more than one in three manufacturing jobs in the last decade. We've seen factory after factory close as jobs are shipped overseas. We've seen our workers and our jobs undercut by foreign countries and foreign companies and competitors that engage in unfair trade tactics, ranging from Chinese currency manipulation, which is the same thing as cheating, to illegally subsidized steel; and for too long we haven't had a comprehensive plan to reverse this trend. But with our Make It in America initiative, we are saying very loudly, very clearly, and very persistently that we have had enough, that we are going to pass policies that work with and for our U.S. manufacturers and our workers and our country.

Today we passed three bills that are going to bolster U.S. manufacturing and provide for families in northeast Ohio and across this country opportunities for good jobs for today and for tomorrow, because though we may make different things or improved things, we still need to make things; and we're going to do it today, and we're going to do it tomorrow.

Manufacturing jobs have a multiplier effect like no other job out there. Each manufacturing job can generate at least four other jobs in the private sector. Our workers can compete—we know it—as long as they have a level playing field, and our Make It in America agenda is going to help level that playing field.

So I'm very happy to be with you. I know we're going to talk about the bills that were passed today. And I want to just also, before I turn it over, talk about something that we're going to do tomorrow. Tomorrow we are going to, under the Make It in America agenda, we are going to take up the Assistance, Quality, and Affordability Act, known as AQUA. It includes an amendment of mine that will ensure that U.S. taxpayer dollars, number one, are going to be used to build our cities' drinking water and sewer systems, and that when we do that, American-made steel and iron and manufactured goods are going to be used to build them.

□ 2130

It is just another example of the things that we can do to make it in America and to make it possible for our workers and for our economy to make it in America.

Mr. GARAMENDI. Would the gentlelady yield for a moment?

Ms. SUTTON. I yield.

Mr. GARAMENDI. Do I understand you to say that, presently, our tax dollars that are used for water projects and sanitation projects purchase steel, pumps and other material which are manufactured overseas?

Ms. SUTTON. We have seen our ''buy America'' provisions in a number of our bills be whittled away over time so that we aren't ensured the way that we should be. When taxpayer dollars are used, I think the American taxpayers expect that we use goods made in America and that we put Americans to work. That is what this amendment is now going to ensure so that the predicament that you've described can't happen, because we now have an amendment to stop it.

Mr. GARAMENDI. So we will use our tax dollars to create manufacturing jobs in America.

Ms. SUTTON. Exactly.

Mr. GARAMENDI. We will make it in America.

If the gentlelady would yield, I would like to turn to our colleague, Dr. KAGEN from Wisconsin. He and I were chatting earlier, and he was in a rage about what happens on the international scene.

Would you like to share that with us, Dr. KAGEN?

Mr. KAGEN. I certainly would.

I want to thank you for convening this special hour to have this conversation about manufacturing things here in America and about making it in America.

Ms. SUTTON from Ohio described what we need. We need a level playing field because, with a level playing field, we can compete and win against anybody in the world as long as we have a level playing field, but that level playing field hasn't existed for quite some time. I'm not going to point fingers at which party started it, because we all had something to do with it—Democrats and Republicans alike.

How did it happen? How did our manufacturing base escape and bleed away? Who opened the door? Who put the hole in the ship? Who bled away our American manufacturing base?

I think it was corporate America. I think, today, we are really back to 1910 where our real competition is on Wall Street.

So people who are back home, listening tonight, have to ask themselves a question: Well, whose side are we on? Do we have our heads in the boardroom of a Wall Street bank or of a Wall Street corporation that is benefiting by shipping our jobs overseas?

No, not at all. We have our feet on the factory floor, and our voting record shows it.

You mentioned earlier in your opening remarks about tax cuts. The Democrats have delivered over $300 billion in tax cuts to the middle class—to people like Elaine from Peshtigo, who wrote me this note. It's people like Elaine who have rung the bell:

I am soon an 80-year-old woman and a widow. My husband and I farmed, and we certainly had hard times the first years, but the years now are harder for old people. Oil companies take a huge profit. The CEOs make a salary no man on earth is worth. Pill companies are taking huge profits with no consideration for old people. The people of my generation lived through the Depression, World War II and two more wars, and now, in our old age, we face other obstacles.

Well, Elaine, from Peshtigo, Wisconsin, has nailed it. We are on her side. We voted to prevent the Republicans from privatizing Social Security. We voted to prevent the Republicans from sending her money to Wall Street. We voted to strengthen Medicare and to make sure that there are services available for prevention—and at no cost to her and to her husband, should he still be around. We have strengthened Medicare, but the Republicans are trying to destroy it.

Let me come back to the essential point of being here. We know things are tough for everybody in California, Ohio, Wisconsin, and everywhere else in America. How did it get this way? Well, we have been through some tough times. We are going to make it, but we have a lot of work to do.

What happened to our middle class? Middle class destruction. Here is where it is today:

Today, the banks own more homes than people do.

Mr. GARAMENDI. Excuse me.

Are you telling us that banks own more homes than individual families do?

Mr. KAGEN. The banks own more homes today than individual people do.

Mr. GARAMENDI. Those would be Wall Street banks?

Mr. KAGEN. Those would be banks which derivatized and created these derivatives to somehow gin up the mortgage market to $63 trillion when it was down to $13 trillion. The banks own more homes than people do, but people need to be in their own homes at prices they can afford to pay.

Secondly, executives on Wall Street earn incomes that are 300 times that of a worker on the factory floor—300–1. Well, 25, 30 years ago, it was 20- to 25–1. Now it's 300–1. So things have been tilted in Wall Street's favor.

Again, whose side are you on—Wall Street's or Main Street's?

Third, these numbers are pretty frightening.

Mr. GARAMENDI. If the gentleman would yield, the Wall Street Reform Act goes to the heart of both of those issues.

Mr. KAGEN. Exactly.

Mr. GARAMENDI. There was significant reform of the mortgage industry with the Wall Street Reform and Consumer Protection Act, and there was also a provision—well, it wasn't in the Wall Street Reform Act, but there is a debate going on now here in Congress and in the Senate about what to do with this executive pay, with this 300–1 ratio. That is the question of:

Do we continue the middle class tax cuts, and do we let the tax cuts expire that the Bush administration put in for the high and the mighty and the wealthy?

Mr. KAGEN. Would the gentleman yield?

Mr. GARAMENDI. Please.

Mr. KAGEN. The wealthy in America have had a 10-year free ride. For the past 10 years, they haven't paid their fair share. As a direct result, 63 percent of the people in America who used to be middle class are now living paycheck to paycheck and week to week, and 43 percent of Americans have less than $10,000 in their retirement funds. That is going up towards half of the people in this country who will never be able to retire.

Things have tilted towards the top. This trickle-up philosophy that Republicans launched on us for the past 8 years really hasn't worked for the middle class. That is why I call it ''middle class destruction,'' and the numbers prove it. We have to keep people in their own homes, but they can only afford homes if they have the higher wage jobs, jobs where they're making things in America.

Let me show you this one. If you thought that was bad, here is our competition.

How does the middle class become destroyed? How do you compete with garment workers in China who are being paid 82 cents per hour? Well, I guess you go to Cambodia, because they get paid 22 cents per hour.

Now, America is watching tonight. Do you think Elaine's children and grandchildren are looking forward to working for 22 cents an hour? Maybe the banks should own all of the homes. As for the middle class in America, I'm not sure why we even talk about it. It's an endangered species.

Mr. GARAMENDI. Before you go to the next issue, I recall a piece of legislation that we had on the floor more than a month ago. That piece of legislation dealt with corporate tax breaks. It ended corporate tax breaks for corporations that ship jobs offshore. When a corporation under the present Tax Code sends a job offshore, it gets a tax break. It amounts to $14.5 billion a year.

Would you put that previous one back up?

Mr. KAGEN. I sure will. Do you want the 22 cents an hour?

Mr. GARAMENDI. The 82 or the 22 cents an hour. Either way.

So, if a corporation were to be making shirts, ties, or suits here in America, it could ship those jobs to China or to Cambodia and get a tax break. Now, this House voted to end that tax break. We voted to end that tax break.

Mr. KAGEN. But it was Democrats.

Mr. GARAMENDI. Again, whose side are you on?

Mr. KAGEN. Right.

Mr. GARAMENDI. Every Republican voted to continue that corporate tax break, giving those corporations tax advantages, literally giving them our tax money so that they could offshore that garment worker's job.

Ms. SUTTON. Excuse me. Will both gentlemen yield for just a moment?

Mr. GARAMENDI. Of course.

Ms. SUTTON. You bring up such an important point.

We had this policy that encouraged jobs to be moved offshore, and we had other policies that, frankly, allowed, for many years, unfair practices to undercut our workers and our businesses.

Now, I know we're all pretty new here. You know, I'm in my second term, and you're in your first term, and the gentleman from Wisconsin—you know, we just came here, so we're fresh in the fight. Yet the reality is that it is important to notice what was happening before the big recession hit.

□ 2140

So in Ohio, those wages have taken our jobs overseas, with the help of tax policies that we have finally been able, with the majority on this side of the aisle, to pass by ourselves to try and change.

And it does beg the question, and I listened to your comments earlier about how we went through this litany of measures to try and stabilize the economy, and we did. And now, of course, this is so important because this goes beyond stabilizing the economy, and it goes towards creating real value by making real things, not pretend values that the banks made and people moving money around made.

Mr. KAGEN. Would the gentlewoman yield?

Ms. SUTTON. I will yield.

Mr. KAGEN. We want a middle class to have higher wage jobs, to earn the money they need, to not just educate themselves as workers, but also their family, to begin to save for a retirement that so far they haven't had, and that can only happen with manufacturing jobs. But how can any corporation on Wall Street or Main Street compete with a government?

What's really going on in the world today is the idea, the free market capitalism idea that grew up our middle class, the greatest middle class in human history. Free market capitalism has bumped into a brick wall in

China because the Chinese and Asian model of capitalism is the government is the business, because over in China, the case against China, they have no environmental protection laws. We do. The cost of everything we make went up. Theirs went down.

They have absolutely no social safety net. If a worker in a factory gets injured, he or she is a widget and is gone. No social safety net.

And finally, they really, until recently, haven't had a middle class. They're beginning to move up and develop a middle class. But, you know, where I come from, why should we have to have our middle class begin to disappear just so they can develop their own? I think that's wrong.

And my final slide here, the chase against China. Everybody on the Democratic side of the aisle is fervently interested in promoting making things in America. But how can we compete against China when they continue to manipulate their currency? It gives them a 20 percent to 40 percent price advantage right out of the chute. When China provides subsidies to investors from foreign nations to come in and not pay taxes for several years, well, we can't afford to do that. We actually care about people in America.

And what about the value-added tax, giving them 17 percent benefit? They have import barriers you can't believe.

And then they have something else we're going to begin to talk about, like ''Buy American.'' They've had, for a number of years, ''Buy Chinese.'' They have taken advantage of the United States of America. And this Congress, both the House and the Senate, until this point in time, has been had because we fell into this trap of chasing things at the lowest price of production. But these days must come to an end, and I believe it's time for the American people to understand whose side are we on.

The Democrats have a policy and a way forward to work our way back into prosperity, and it begins with addressing our trade imbalance with Asia and, specifically, with China. It begins with this administration changing their mind about allowing China to manipulate its currency. It begins with people like Ms. SUTTON, Mr. GARAMENDI, myself, standing up to big corporations on Wall Street and calling them out.

It's time to change their ways, begin to make things in America, do that through our trade deals as well.

And I yield.

Mr. GARAMENDI. Ms. SUTTON, would you like to pick it up from there?

Ms. SUTTON. I appreciate the gentleman's remarks and I would—because sometimes we come down here and we make the case, but it's important to also let people know that it's not just us saying this. The Economic Policy Institute, on this point about China, the Economic Policy Institute reported that unfair trade with China has cost our Nation 2.4 million jobs between 2001 and 2008.

Ohio, where I am so honored to serve, has lost nearly 92,000 jobs because of China alone. In my congressional district, the 13th District of Ohio, made up of hardworking citizens who want nothing but a fair shake, in my congressional district, 5,700 jobs have been lost as a result of China's currency manipulation, pointed out by the gentleman from Wisconsin, and other illegal subsidies and unfair trade barriers. And these, of course, are good paying jobs that pay family sustaining wages.

And if I could just indulge the gentleman for one moment about a case study, something that has played out in the past year or so. You know, during this recession, when market forces would indicate that you cut back on steel production, do you know what China did? They ramped up production. They dumped that steel into the United States, and my steel companies, our manufacturing companies in Lorain, Ohio, at U.S. Steel—and I like the name, U.S. Steel—were undercut, and so our workers were laid off.

So what did we do? What is our mechanism? Right? Our mechanism is we go to the International Trade Commission. So they had a preliminary hearing, and I went to the preliminary hearing, which was, evidently, an unusual move. But I think I've got to do everything I can to stand up for the people that I represent, so I went to the preliminary hearing.

We got them to move the process forward to a final hearing. We took a letter, I took a letter signed by 40-some colleagues in this House, and we went—I went and others got others to go, and we all went to the final hearing of the ITC. This was about oil country tubular goods, which is what we make in the 13th Congressional District, and how China was unfairly subsidizing their steel.

And what happened? A unanimous decision that it was, indeed, happening. And you know what? That's good, right. That's good news. But the only problem is our people have been out of a job for over a year before we get the tariff gone.

Mr. GARAMENDI. Let me, if I might, just bring that to the West Coast. The San Francisco Bay Bridge, from Oakland to San Francisco, major artery, had a problem with the Loma Prieta earthquake and had to be rebuilt. It's been a long process to rebuild. It's going to be a magnificent new bridge.

The CalTrans, California Transportation Authority went out to bid. An American contractor proposed two bids. One bid was the steel would be manufactured and fabricated here in the United States; the other bid was the steel would be manufactured and fabricated in China. There was a 10 percent difference. The State of California chose to save 10 percent, and all of the steel winds up being imported from China.

We lost jobs. This is an example of where our tax money, and that's exactly what it is, was not used to support American jobs but, rather, used to support jobs in China. For what, 10 percent?

It turns out it actually turned out to be more expensive because the Chinese welds in the fabrication were not satisfactory, were purposely hidden, and it was only because an inspector finally arrived from California, looked at it and said, Oh, my. This will not work. So they had to go back and do the whole thing over.

One example. I'll give you more examples as we go down here, but I'm telling you this: We can make it in America.

Wind turbines. We led in the development of wind turbines. We're spending billions of dollars a year to subsidize the wind turbine industry.

China said, Oh, we've got wind in China. Let's build wind turbines. They have excluded every international company except a Chinese company in the manufacturing of turbines, and now they are exporting those turbines to America.

The same way with solar panels, photovoltaic panels. And I'll come to buses a little later. But this is something that I find extraordinarily wrong, and we're going to change it. And before this conversation is over, we're going to talk about how it can change.

Mr. KAGEN—excuse me. Dr. KAGEN.

Mr. KAGEN. Yes, yes, the doctor in the House. Thank you.

I was very moved by the idea of steel being targeted for extinction by Communist China. I was very moved. But I represent Paper Valley, you know, Kimberly-Clark, Proctor & Gamble. We have 22 different paper companies in my district or just outside of it. We invented the tissue business and femcare products. We have some tremendous paper products.

□ 2150

But we have some problems. The problem is that China has targeted not just steel for extinction here in America, but also automobiles, and a number of other things. And the list goes on: armaments, power generation, oil and petrochemicals, telecommunications, civil aviation, shipping, machinery, automobiles, information technology, iron, steel. They have some very strategic plans underway to target everything we manufacture for extinction to take the jobs away.

And let me detail how they did it in paper. The government would purchase raw materials in Brazil, at government expense ship it over to China, ship it from the port on trucks up to the paper mill, make the paper. And then again at government expense, after the government allows slave-like wages to be paid, the government then pays for the paper to be shipped back to the port, shipped over off of Oakland, and then dumped into the United States of America below our cost of production.

Well, as Ms. SUTTON pointed out, the International Trade Commission can at times be effective, but it takes so long.

You know, justice delayed is justice denied. In health care, treatment delayed is malpractice. And what happened in the paper industry, we lost two paper companies in my district because of unfair trade and unbalanced trade with Communist China. Only recently did the Appleton company that makes coated paper have a successful case before the ITC.

I had the opportunity to testify, much as BETTY did, and I was proud to hold up a picture of the family and to let these judges know that we're not talking about dollars and cents and the worth of a piece of paper like a stock. We're talking about people that live in their home and can't chase their job to China. You can't swim to China, get the job. You can't survive there. So the bottom line is we have to ship our values overseas, not our jobs.

Ms. SUTTON. You are so right. I just want to put a highlight on this fact. When we went to that hearing, the standard for judgment is material harm. So we showed that these actions were undertaken and resulted in material harm; and that material harm, those are people, people with families that they're trying to raise right here in this country right in Lorain, Ohio, and in Wisconsin, and all over this great country. And because of the length of time that this went on, these folks didn't have the income coming in. And guess what? Then our communities didn't have the tax base to support what? Police and fire and city services. And we end up what? Paying unemployment. And people suffer the loss of the dignity of work, which is so important to the people that I represent. They just want an opportunity.

Mr. KAGEN. Everybody that we represent understands the United States of America can't pay its bills, can't pay its debts on unemployment checks. We need real checks, checks that come from manufacturing. And that we can do with balanced trade, but we are running out of time. The American people understand that. That's part of their anger. That's part of their great frustration.

And I know that we have been listening to them on the Democratic side of the aisle, and we are moving as hard and pressing as hard as we can against any administration, against anyone in the United States Senate to begin to identify how we can begin to make things in America again, put people back to work so they can stay in their own home.

Mr. GARAMENDI. At the beginning of this discussion, the gentlewoman from Ohio talked about the wise use of our tax money, in this case in the water systems and the sanitation systems, to use that tax money for materials and products and machines that are built in America. That's but one example. It's a very good example, because we desperately need that infrastructure. It's the foundation for quality life, for healthy life, as well as for building our economy.

There's another one that came to me in this process. Actually, today I had a telephone town hall, and a fellow said, you know, in Vallejo, California, the old shipyard at Vallejo, Mare Island Shipyard, has this huge building, and one of the European train companies is setting up a shop there. They don't know what they are going to do with it, but is there some way that you could help that company bring to Vallejo, California, and Mare Island jobs to refurbish trains? And my answer was, yes, absolutely.

We have had a buy American provision in your tax money for years and years. There has also been in the law four waivers that Secretaries of Transportation have used repeatedly for more than 20 years now to waive off, forget about, ignore the buy America clause. So about $5 billion a year of our gasoline tax money is used not to buy buses and trains and light rail cars made in America, but rather made overseas.

So my answer to this gentleman was a piece of legislation that I have introduced, a lot of support among my Democratic colleagues to simply tell the Secretary of Transportation you don't have four waivers; we're eliminating three of those discretionary waivers. If the cost is more than 25 percent, then maybe you can have a waiver. But the other three waivers, they're gone. We're bringing those manufacturing jobs, those manufacturing jobs that build the buses, that build the trains, that build the BART cars, the MARTA cars, the transit cars here in Washington, DC, we are going to make those in America because, by golly, that's our tax money, and we're going to use it in America just as we're going to use our tax dollars to make those sanitation systems and water systems from American-made goods. That's our promise, and we can do it.

I talked to Secretary LaHood, the Secretary of the Department of Transportation, yesterday. I said, Mr. Secretary, I know that you have been working hard not to give waivers, but I want to give you—in fact, I want to take away three of the tools that your predecessors have used to ship jobs overseas. And he said, I'm not giving waivers. And I said, if my bill passes, you won't be able to. We're going to spend that money in America. One more example of what we can do not just for jobs today, but for tomorrow and for generations in the future using our tax money to make it in America.

Manufacturing matters. It's the heart and soul of the middle class. It is the strength of the economy. And we're going to reestablish in America the manufacturing industries of yesterday and today, whether it's buses or trains or light rail.

Mr. KAGEN, you were kind of getting agitated there. Maybe you want to add to this.

Mr. KAGEN. Yeah, I was going to actually ask you a question. Isn't it true that we have really begun to close those tax loopholes that allowed these Wall Street corporations, with the Republican support, to take our jobs overseas? Is that really true?

Mr. GARAMENDI. Well, the answer is halfway home. This House passed legislation more than a month ago, and tomorrow I believe we will have that same legislation back for another vote. Our Republican colleagues universally voted ''no'' on ending the tax loophole that gives corporations $14.5 billion of our tax money to offshore American jobs. We're going to end it. We're going to put the issue back on the floor tomorrow.

The problem is the United States Senate and the Republican Party, where in the Senate one Republican Senator stands up and objects and says I'm going to filibuster, and everything stops. They got to round up 60 votes. The Republican Party controls that 60 votes, and they have repeatedly, time after time said ''no'' to jobs for American workers in the first 18 months of this Congress, where we have put 2.8 million people back to work. The Republicans in this House and in the Senate say ''no.''

I have got a solution for it. The next Senator that says, I object and I'm going to filibuster ought to be paraded down to the well of the Senate, the microphones turned on, and start talking, Mr. Senator. Let's see how long you are going to talk with the C–SPAN cameras on you. My guess is within an hour you'll make a fool of yourself. The filibuster will be over. The votes will be there to put Americans back to work.

I yield.

Ms. SUTTON. I thank the gentleman, and I could not agree more. Call the bluff. Let them get up, make the case to the American people about why they're standing between people who need jobs and the jobs that can be there. I mean, I don't think the American people will stand with them. I think they will stand with these policies that we are offering now in this agenda and this moment forward on making it in America.

And I just have to ask the question, because it is really startling if you think about, you laid out all of the things that we did to try and stabilize the economy, and all of the actions we are undertaking and have been undertaking as we build towards the future, where we can make products in America and we can also enable our communities and our workers and our businesses to make it in America.

□ 2200

Every once in a while people must turn on the TV, I know that they do, and they hear our counterparts on the other side, and they say over and over again, as if the American people won't notice that they're voting against everything, they say: Where are the jobs? Where are the jobs?

Well, the reality of it is we're putting the bills on the floor and you're voting

against the jobs. So there's this idea that they must insult the American people by suggesting that somehow the jobs are missing. You're voting against the jobs, and now you have a chance to join us in the Make It in America.

Mr. GARAMENDI. Yesterday, Dr. KAGEN and I were in the Transportation and Infrastructure Committee hearing, and Dr. KAGEN was in the chair, and we heard from a panel of contractors and bus manufacturers that the stimulus bill actually created jobs.

Dr. KAGEN, I know you have personal experience in this. You had told me about it earlier. Why don't you share that experience where Republicans say no jobs are created, yet the contractors, the voters are saying thank goodness for the stimulus bill because it kept me in business, it kept my employees employed. Dr. KAGEN.

Mr. KAGEN. The real question would be where would America be today, where would our economy be today, had we not in February of 2009 passed the American Recovery and Reinvestment Act? We'd be in the tank.

Mr. GARAMENDI. That was the stimulus bill.

Mr. KAGEN. That was the stimulus bill. More and more people would be out of work. We stabilized State governments. We stabilized private corporations like road builders, like asphalt people, like bridge builders. We stabilized State and local governments to make sure that the police would be there when you dial 911. We stabilized fire departments to make sure if you're on fire at home, help will be on the way. But no, somebody over there has got people confused and angry that somehow it just didn't work.

Look, many economists have said that the economic stimulus bill that we passed last year simply wasn't big enough to get us all the way out of the economic ditch that we're in, but make no mistake about it. The Democratic Party and all of us here in Congress who are voting ''yes'' for progress, we are cleaning up after the biggest elephant parade in American history. There is so much mess to clean up.

Now, I always told my patients that it would take you about as long to get better as it took you to get sick and to come into my office, and it's going to take us a while to work our way back into prosperity. We will succeed but people in America have an election coming up, and not to be electioneering, but you have to ask yourself the question: What would your life be like without the stimulus bill and having the police and firemen there when you need them? What would your children's life be like at school not to have a qualified educator and teacher in the room to help your children get that world-class education they're going to need to compete against unfair trade deals, as we have with Asia?

So the bill clearly worked and the testimony yesterday in the Transportation and Infrastructure Committee was a resounding ''yes.'' I asked each of the gentlemen there to testify, a hypothetical question: If you had been in Congress, knowing what you know now about how it benefited your company, would you have voted for the stimulus bill. Yes, yes, yes, yes, universally it has helped.

Now, where do we need to invest? Here in America. And when I ask my constituents I say, look, I'm your hired hand. I've got your tax dollars right here. Where should we build the next bridge, the next school, in the sands of Iraq, maybe in northern or southeastern Afghanistan? No, Doc, we need that invested here at home.

Our Nation's infrastructure is about $2.1 trillion behind. We need to build our bridges once again, our schools, our water treatment plants. Our hard-earned tax dollars are better invested here at home to grow the economy, to grow the jobs that we need, not on Wall Street but on Main Street, and the real contest here is who are we listening to.

Now, if the C–SPAN camera pans around, they will see a whole lot of empty chairs, but there are three Members standing up having a conversation about in which direction we're going to be moving. But you have to ask the question: who are these other gentlemen and ladies listening to? I'm listening to Elaine from Peshtigo. You're listening to people back home from California, from Ohio, and this is a painful job. This is a painful job because progress is so slow.

But be confident, America. We're beginning to make progress. We're moving our economy forward and up. We need to move up, not down.

Mr. GARAMENDI. Let me give another example of where we can set the stage for future manufacturing jobs in America. It was America that really created the photovoltaic cells. We've lost this industry in America. This is in China. Some of it is in Europe. But it's no longer really much of a manufacturing industry in America.

We talked earlier about the wind turbines and the way in which that industry has gone offshore. We talked about the buses. It turns out that many, many economists, and certainly I would join with them, say that the future industries are green technology industries. We have to shift away from coal and oil. We needed to be energy independent. The green technologies of solar, wind, all of those biofuels and algae fuels, all of those are the industries of the future.

Yet, our tax money is not used to support those industries. All too often here's what happens: Just as in buses, our tax money is used to buy wind turbines from China or Korea. I will give you another example on the wind turbine. Let me get that wind turbine back up here so I can get excited about this.

I represent some of the biggest wind resource areas in the Nation: the Altamont Pass and the Solano wind resource area. I was out there touring it one day with one of the three companies that operate in the area. I looked at this thing. It's 400 feet tall. The blades are wider than the length of a football field. It's going round and round and generating electricity, and I said, where is it made? And the executive looks at me and said, well—I said, no, no, where is it made? He said, well, the tower is made in Korea. Oh, how about the blades? Well, the blades are coming from Europe. And I said what about the generator and all of the electronics? Well, it's not made here. It's either made in China or it's made in Europe. And I told him, I said, what's wrong with that story? And he said, well, that's where it's made. And I said you're receiving serious taxpayer subsidies to build those, to put those towers in place, and you are subsidizing China. Do you think that's right?

He goes, well—and I said, I'm going to promise you this. I'm going to go back to Washington and I'm going to introduce legislation that says in the green technology, all of those subsidies, all of those tax subsidies for putting the photovoltaic system on top of your roof, for building a huge, giant solar thermal system or biofuels of all kinds, and of course the wind turbines, if you want that tax subsidy, it's going to be made in America or else you will get no tax subsidy. Those are our tax dollars. Those tax dollars are going to be spent on American-made equipment. And he said, Well, I don't think we can do it. I said, Your choice; you don't want the subsidy, then you can buy it from China, but by golly, if you want a subsidy, you're going to buy American-made equipment.

That bill is introduced. It is going to move because Democrats understand American taxpayer money, whether it's building a sanitation system or a water system or paying for a wind turbine or a photovoltaic system on top of your house, those are going to be made in America.

Ms. SUTTON. Or a bridge or a highway. We want this to all be made in America. These are taxpayer dollars. The taxpayers expect it to happen. We need to do this work when it needs to be done, but we need to do it with the American workers and American businesses having the chance to make it in America.

I just want to say to my friend from Wisconsin, I know what he's trying to convey in his remarks, but you know, the American people, they are facing great challenges, and that's what you're reflecting in your comments.

And I have to tell you that I still think that this job, this honor that I have to serve here, I don't think it's painful. I think it's a privilege and I think it's an honor, and I know that the gentleman thinks the same thing about his service in this House.

□ 2210

Because when people are facing the unfair competition that they are facing, the policies that are working

against them instead of with them, the cheating that goes on with currency manipulation and unfair practices, all of those things that are happening, we are here in this moment and we have a chance to change it for them and it matters the most.

So I am very excited about being here, fighting forward, not fighting back, but fighting forward to make sure that we make it in America by strengthening U.S. manufacturing at every turn in ways that make sense for our country, our people. We know we need to manufacture here also because our national security requires us to make things in America.

Mr. GARAMENDI. Dr. KAGEN.

Mr. KAGEN. I certainly appreciate my colleague's comments and I couldn't agree with her more that what we are talking about is our national security. If you don't make anything, you won't have anything. If we don't have a viable economy, we cannot defend ourselves with our military. So we need to manufacture things here in America if, for nothing else, for our own national security.

Mr. GARAMENDI. Well, we have about 10 minutes left, and I would like to bring us back really to where we started, or where I started this discussion, and that is, for the first 18 months, the strategy of the Democratic Party in this House, in the Senate, and with President Obama has been to stabilize the American economy. Let me go back to this. Let's review what was happening.

Beginning in December of 2007, the last 2 years of the George W. Bush administration, the American economy slid into a recession. It became the greatest recession in America's recent history, since the Great Depression of the 1930s.

By December of 2008, in January of 2009, the last months of the Bush administration, we were losing over 700,000 jobs, 750,000 jobs a month. President Obama came in and my two colleagues here—I was not yet in Congress, having just joined last November—you put through the stimulus bill, the American Recovery and Reinvestment Act. It stabilized. It stopped the slide, and people began to go back to work, with the largest, middle class tax cut in America's history, the largest middle class tax cut ever in American history. There were major investments in infrastructure. The result, after 18 months, was 2.8 million Americans working that otherwise would have been out of work or had gone back to work; 2.8 million Americans.

We see that here. We see the improvement, the monthly reduction in the number of people losing jobs. So that by this year, 2010, after 1 year of the stimulus program and other programs that were all voted on by Democrats with virtually no Republican support, we began to see job growth; not enough, not nearly enough.

We are now shifting gears. We are into the second half. We have stabilized the first half. We have reached some improvement, and now, now it is the second half.

In the second half, manufacturing matters. This is the heart, the soul, the strength of the American economy, and it is where the middle class makes it. It happens to be, as you so eloquently pointed out, Dr. KAGEN, it is where the middle class lost. When those manufacturing jobs were shipped overseas, middle class lost. We will make it in America when we manufacture once again in America.

Both of my colleagues here have laid out some very important elements. One is the international competition, and I would like, Dr. KAGEN, if you could review with us the international competition and the disadvantage of one—both hands tied behind the American manufacturer's back.

Dr. KAGEN.

Mr. KAGEN. We are beginning to build a better Nation. We are beginning to put people back to work. There is a great deal of work to do, but our trade deals have to be balanced. Where I come from, people don't want fair trade or free trade; they want it to be balanced.

And if China is sending us a ship with $50 million worth of goods that they produced and unloading it for sale here in the United States, then they should purchase from our manufacturers, from our workers, $50 million worth of goods, again, to take back to their country. We have to balance our trade deals.

But it is hard to balance a trade deal when the country manipulates its currency and begins with a 20 to 40 percent price advantage just because they are cheating on the price of their money. It is hard to balance a trade deal when China is subsidizing foreign investors to come in and gives them taxes for free, a free ride for several years. It is hard to have a balanced trade deal when you have got value-added taxes that benefit the Chinese Government's corporations.

When you understand that there is no difference between the government and a corporation, I don't know of a single company that can defeat a government, especially one that is manipulating its currency. You know they have got a ''buy China'' policy.

We need to balance this deal, have a level playing field, and it begins by manufacturing, giving our manufacturers the tax advantages they need to create American jobs for American workers. For too long, for too long the Republican tax policy has been to reward the wealthy, not those who are working.

If you reward work instead of wealth, we can begin to not just balance our trade deals, but keep people in their own homes to solve our housing crisis and make certain that people have a positive future once again.

Mr. GARAMENDI. Before I turn to the gentlewoman from Ohio, I want to pick up that tax policy. American tax policy, probably set by both Democrats and Republicans in the past decades, gave an advantage to United States corporations that would offshore American jobs with a tax credit, $14.5 billion a year.

The end of those credits came to the floor a month ago on a piece of legislation that would end those tax breaks that American corporations have for offshoring jobs. The Democrats voted to move that to the Senate. Not one Republican voted for ending those despicable tax breaks that the corporations have.

There is a difference here. Where do you stand? For whom do you fight?

Now, the gentlewoman from Ohio started us off talking about how we might use our tax money more wisely. Would you please bring us back to the reality of what's going on in your district and how this would benefit your district.

Ms. SUTTON. Well, certainly.

The taxpayers in my district and the businesses, the workers there and across this country, I believe, expect that, when we use those tax dollars, that we use them to buy things and build things in America.

This is about their money and making sure we put it to work for them by putting them to work and not about shipping the money to foreign countries so that they can produce the products there and then ship them back over here.

So today, something very important happened and was passed. It is called the End the Trade Deficit Act, sort of to put a punctuation mark on this. You know, our trade deficit has continued to grow for all of the reasons that we talked about, and our trade deficit increased to $42.3 billion for May of this year, up from the previous month. The deficit with China, alone, in May was $22.3 billion, up from $19.3 billion in April.

So this Make It in America program—and it is not a flash in the pan. This is an ongoing mission that we are on because we are going to revitalize U.S. manufacturing, and we are going to stand up for U.S. manufacturing against unfair competition.

You know, the issue of currency manipulation—we have to, when we come back, I urge everyone, and I know you guys are on board, to bring the bill that is part of Make It in America called the currency manipulation—end currency manipulation, End Chinese Currency Manipulation bill to the House floor for a vote so we can see who wants to stand with U.S. manufacturing. And I am fairly certain that those on this side of the aisle are prepared to do it.

I think we do have some even on the other side of the aisle who are prepared to do it. But it is so critically important that we do take all of these steps on this multifaceted mission that we are on to make sure that our businesses and workers get a fair shake, because we know when they do, it

strengthens our economy. It strengthens our national security, and our folks will be able to make it in America.

□ 2220

Mr. GARAMENDI. How correct you are. And we would reach out to our Republican colleagues and ask them to join us on Making It in America.

We've had enough of our tax dollars shipped overseas to buy buses that are manufactured overseas, to buy trains and ferries. Our tax dollars need to be spent at home. If it's a water system, a sanitation system, a bus, if it's our tax dollars, make it in America. If it's our tax dollars, then let's use it to make our future energy supplies—wind turbines, solar systems—make it in America. It's our mission, in the second half of this session, to make it in America.

Mr. RAHALL. Madam Speaker, we in West Virginia understand well the need for this "Make it in America" initiative. Even as we diversify, from broadband infrastructure to tourism marketing, we all know what the manufacturing center means for good paying jobs. The leap from a hard days work, producing the best products in the world, to a service-based industry is a far stretch—one that leaves our national security at risk. The House Democrats understand the need for a plan and action to increase American manufacturing and create new American jobs.

When we "Make It in America," we create jobs to lead the world economy. First and foremost, we must ensure that every nook and cranny of the federal government is geared towards American products, American companies and American workers. In 2007, the Defense Department alone allowed over 14,000 contracts for goods and services to go to foreign companies. That's $5.7 billion American tax dollars we waved goodbye to. We've got to shut the floodgates on the tidal wave of taxpayer's dollars flowing overseas, and shore up our contracts for goods and services bought by the federal government and provided by American workers. I'm a long time advocate for 'Buy American' provisions in law, but a concentrated effort will sharpen the focus on a fair deal for our workers and small business and industries.

A global economy doesn't mean a one way trade route for American capital. There's no question we can compete here at home, under fair rules applied to all competitors. Federal agencies should be partners, not competitors, with our workers. The first step towards this realignment is the National Manufacturing Strategy. We passed Congressman LIPINSKI's bill that calls for a National Manufacturing Strategy and will create the high-skill, high-wage jobs of the future—promoting American competitiveness, innovation, and exports.

The manufacturing sector generates two-thirds of our exports, and employs millions of Americans. This manufacturing strategy goes hand-in-hand with the newly formed Buy American Caucus, of which I am a member, by working to promote American jobs; reclaim American leadership in manufacturing; support small businesses; and close loopholes in current law to ensure that the federal government is purchasing American-made products.

Our efforts have the potential to assist manufacturing businesses throughout southern West Virginia. We are proud of those manufacturers who continue to support the economy and workers, and are particularly proud of those in the Third District of West Virginia. We have to create a continued demand for American products and create a rebirth of our state and nation as the manufacturing world leader. That effort must start with buying American products here at home.

POSITIVE SOLUTIONS

The SPEAKER pro tempore (Mr. PERRIELLO). Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GRAVES) is recognized for 60 minutes as the designee of the minority leader.

Mr. GRAVES of Georgia. Mr. Speaker, I guess I rise at an appropriate time to follow the dialogue that we just heard.

It amazes me, as I'm here now on my 44th day in the House of Representatives, and it seems like on each and every day I've heard the other side of the aisle do nothing but blame a previous administration for the failings of today. It is my hope that at some point they will begin taking responsibility for some of the policy actions.

But what we're here to talk about tonight are positive solutions. We've heard a lot of blaming and name calling here over the past several weeks, and we're here tonight to talk about positive solutions to some of the difficult challenges.

So to the colleagues that were just speaking, we're here to call your bluff. You said come call your bluff, well, here we are, and I've got some good gentlemen that are going to join me. But what I want to start out with today is we're going to talk about the kitchen table solutions.

As you may have heard, we have had a program here where we've been actually going out and seeking solutions from the American people, not from our leadership, not from a political party, but from the American people; and it's called America Speaking Out. And there have been more than 12,000 specific ideas generated from the American people, more than 600,000 votes cast on these ideas as to what is most important.

And so the top concerns from the kitchen table all across America: number one, jobs—and I think we've been saying, where are the jobs? Number two, spending. Why isn't the Federal Government balancing their checkbook? And then health care, ObamaCare itself. So that's what we are going to talk about tonight.

As we move through this, I know we have some colleagues that are going to join me. My good colleague from Georgia (Mr. GINGREY) is going to be with us and also Mr. THOMPSON from Pennsylvania. But first we're going to talk about the number one issue facing America: jobs, jobs creation.

We have a few quotes here. One—this is, I guess, just from last year, it says: "Our stimulus plan will likely save"—"likely," key word—"save or create 3 to 4 million jobs. Ninety percent of these jobs will be created in the private sector and the remaining 10 percent in the public sector." But now the public sector has lost nearly 8 million jobs in the last 2 years; government has gained 656,000 jobs. So when our colleagues from the other side of the aisle stood here a minute ago and said jobs have been created, they were in fact true; but they were created in the public sector, not the private sector.

And then it also says estimated unemployment without the stimulus would be 8.8 percent this year. Well, with all of the stimulus bailouts, buyouts, Cash for Clunkers, you ring it all up, unemployment in May was 9.7; far exceeded their expectations. So obviously the plans are not working.

So what have been the job killers? Excessive taxation, insufficient liquidity, economic uncertainty, and red tape and government mandates. So over the last year we've seen nearly double-digit unemployment, the debt is continuing to grow, we've got a job-killing agenda, and according to the National Federation of Independent Businesses, one in six small businesses are concerned about the uncertainty of the future. Fifteen million people out of jobs, out of work right now, unemployment at its highest rate in 25 years, and the private sector, again, has lost 8 million jobs.

So we heard a minute ago, stimulus: that was creating all the jobs, that was going to take care of America. Well, I think about stimulus and health care and all that we saw last year, and it brought Americans to the National Capital last year. If you will remember, on September 12, Americans from all over this Nation rode on buses here, flew on airplanes to celebrate—was it to celebrate or to speak out against what has been done? And we all know the American people are not happy right now.

So what is coming up next? 2011, 5 months away, under the leadership here in Congress, we will see taxes go up on each and every American. We heard "middle class tax cuts" just a few minutes ago. There aren't going to be any middle class tax cuts; in fact, every tax rate goes up for every American all across the country in so many different ways. Every individual tax bracket goes up. We have a marriage penalty, the Child Tax Credit will be cut in half. It doesn't sound like a tax cut to me; it's actually a tax increase. And then farmers, small business owners will see their tax rate go up to 55 percent in the States. And then of course capital gains and dividend taxes will rise as a result of the leadership here in Washington.

So much to do, so much to do. The good thing is that we have positive solutions. That's what we are here to talk about tonight. I know my good friend, Mr. THOMPSON from Pennsylvania, is a good leader on job creation and is working hard in that area. I would love to have you join us, if you

would like, to share with us some positive solutions here to get Americans back to work. And does that include public sector jobs or private sector jobs?

Mr. THOMPSON of Pennsylvania. I thank my good friend for coordinating this hour tonight, very important hour. This is about real solutions, not the types of policies we've seen over these past 19 months which has grown the size of government—bloated the size of government, actually. We have increased the deficit to the point that what we have is a legacy of debt. There is not a generation, I don't think, that ever wants to have it so that—we always want to leave this country better than what we found it, to pass it on to our children and our grandchildren. Yet with the trend that we have been on from the leadership, or the lack of leadership, from my colleagues across the aisle in terms of the taxing, the spending, the borrowing, what we have today for the generations to follow us is just a tremendous legacy of debt.

I think the data that just recently came out showed the deficit pushing $14 trillion, $14 trillion. But you know what? There are better ways. We've been working on these. These are not new ideas. We've had bills that we have introduced. Unfortunately, the Speaker has control over what bills get to the floor. We have many solutions. What I call is, as opposed to Big Government solutions which we've been seeing, we've been working on smart government solutions, those that truly stimulate the economy—or would stimulate the economy if we were able to get moving on those.

Many of those have to do with who the true economic engine is in this country, and frankly that economic engine is small business. There are over 20 million small businesses in this country. These are the folks who take risk. They're the ones that work 6, 7 days a week; they're putting in those 16- and 17-hour days. Many times they do that without taking a dollar back for themselves. They keep reinvesting in their companies. They're growing jobs. They've got that American Dream, and they are trying to live that dream. Unfortunately, what we've seen in the past 19 months is this government, the Obama administration and Speaker PELOSI, just crushing those dreams.

On back home, I describe it as, if the economy is a football game, there are yellow flags flying everywhere for piling on the backs of small businesses. Actually, a former colleague here, Dick Armey, I understand once described it—it was a great description, I repeat it often—that if the economy is a horse race, and of course the economy is the horse and government is the jockey, at whatever point the jockey becomes larger than the horse, you know you've got problems. And that's what we have today.

We've been working on things and looking at trying to reduce the costs for small businesses, and it has been very challenging to do in the 111th Congress with the folks that we have here.

□ 2230

To start out with, I'll share one bill that I have that I've been working on, which I introduced some time ago. It was to allow individuals—entrepreneurs—who have this vision, who have this American dream, to be able to take some money and to be able to put that money into a tax-deferred savings account. It allows them to do that on a regular basis and to build that amount of money up. You know, they've got the dream. They've got the idea. They know what they want to do. When they've accumulated enough of the tax-deferred savings, they can use that money to purchase maybe physical property, maybe the resources, equipment or capital they need to start that business and to be able to stimulate a new business that grows jobs.

That is just one of, obviously, I think, thousands of ideas that we've been working on as Republicans. You know, we are often accused of being the party of ''no,'' N-O. Well, that's a partial truth, actually. There are a lot of half-truths around Capitol Hill. The fact is we are the party of ''know,'' K-N-O-W. More importantly than that, we are listening to the American people.

I thank my colleague for really emphasizing tonight America Speaking Out and the fact that we are here as public servants.

We are here to work for the American people. That means we want to have a dialogue. That means we want to be communicating with the people we work for. So America Speaking Out is just a great program that has allowed Americans from coast to coast to be able to do that. That, to me, is so important. I look forward to it.

Mr. GRAVES of Georgia. Well, let's get to some simple facts, because you're right. America has been speaking out. The main thing they've been asking is: Where are the jobs?

Just in the last year, we know there have been 2.5 million jobs lost here in the United States. So, you know, I guess a great admittance to that is the fact that the Democrats were pushing through the expansion or the extension of the unemployment benefits. If, in fact, their policies were to work or were working, there would be no need to extend unemployment benefits. The truth is they had to extend them because their policies aren't working.

Let's get to some simple facts here real quick. I'm a finance major. You know, the problem is not that difficult. The challenges are certainly great, but the facts are simple. There is a commonsense equation here.

We have total employers in the United States of about 24 million. The unemployment rate is 9.5 percent. We have about 14.6 million unemployed Americans right now. So there is a simple equation, which is, if one in three businesses hired just one employee over the next year, the unemployment rate would be 4.4 percent. That gets it to reasonable, sensible, easy-to-understand ideas.

Here is the equation: If one in three businesses adds one new hire in the next 12 months, unemployment is down to 4.4 percent.

So the question is: How do businesses get to this point where they hire that next person? Right now, they're not doing it, and there is a reason for that. It is called ''uncertainty.'' It is the uncertainty of what is about to happen to them next—and I think we know the tax increases that are coming and things like that. It's certainly scaring businesses.

So what are some of the solutions?

I guess the broader solution is getting government out of the way of job creation and fighting the efforts here, you know, that we've seen as they're pushing through the largest tax increase in the history of this country, and it is coming in 5 months.

Yet today, here tonight, right before us, stood Members of the other party, saying, Oh, middle class tax cuts. That's not what is happening.

In 5 months, we will have the largest tax increase in the history of this Nation. We need to return to spending levels that were from the 2008 levels and then roll back taxes. You know, we often hear them say, Oh, those big corporate tax breaks. Well, guess who hires Americans? Businesses. Wouldn't it be sensible to relieve them of some of the tax burdens here in the United States instead of increasing taxes like they're going to do? Then, of course, there's rolling back the regulatory burdens that we see. There is so much to do, so much to do.

We heard them a few minutes ago say, Well, Republicans have voted against these job-creation packages. Well, I don't know that any of those packages have been successful, so it's probably a good thing that Republicans have voted against them.

The fact is they have a majority that is far greater than the Republicans. They can push through anything they want to push through, and they have certainly been doing that against the will of the American people.

Mr. GOHMERT. Will the gentleman yield for a question?

Mr. GRAVES of Georgia. Yes, sir.

Thank you for joining us.

Mr. GOHMERT. I love having a new Congressman here who's so good at math.

The question is: We have heard repeatedly that the majority wants to have a green economy like that in Spain. Now we've heard from Spain, and it turns out they're having to abandon their green effort at a green economy because they have determined that, every time they created one green job, they lost two regular jobs in the economy.

I was just wondering if the gentleman from Georgia would make a

calculation and figure out how long it would take us to get to the 4 percent unemployment rate if we were to lose two jobs for every one job the majority were to create under their green plan.

Mr. GRAVES of Georgia. I think we'd be going backwards a little bit. You're right.

I mean the fact is we need to empower the business community. We need to embrace the entrepreneurial spirit. We need to equip them with lower burdens of regulation, and we need to lower tax rates. We do not need to be creating jobs as a government. Instead, we need the private sector to be creating jobs. It's a zero sum game. There are only so many employees in the United States, and if more of them are shifting to the public sector, it is only taking intellectual capital and wealth out of the private sector.

I would love to turn it over to my good colleague from Georgia (Mr. GINGREY).

Thank you for joining us on this late evening to talk about getting this country back on track.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman from Ranger in Gordon County. It's almost my district. We have contiguous congressional districts, and we have the privilege, actually, of sharing Gordon County.

The gentleman from Ranger, Representative GRAVES, has done a great job in a short period of time, Mr. Speaker, in the House of Representatives, and he knows of what he speaks. I mean this is the kind of work that he did in the Georgia House of Representatives, and he represented us extremely well at the State level. It is really interesting to see him on the floor of the House of Representatives now, here to explain to the American people and to our colleagues, Mr. Speaker, what truly is going on here.

He and I had the privilege, I guess you could say, of watching the previous hour, of watching our colleagues from the Democratic majority. It seems, Mr. Speaker, that they spent an hour whining about competition from other countries, particularly from China. They wanted to focus in on China and talk about, you know, all of these unfair trade practices and what China is doing in regard to their currency and dumping and all of these things. You'd think there were, indeed, no World Trade Organization to police anything. Yet it was, you know, a whole hour of blaming other countries for the woes that we have in our country.

As Representative GRAVES pointed out, the fact is that we have an unemployment rate of 10 percent, and 16 million people are out of work.

I even heard from the other side of the aisle, Mr. Speaker, the Representative from Wisconsin, the distinguished Dr. KAGEN, say that the problem is that the economic stimulus package of February 2009 of $862 billion—that's right, with a ''b''—was not enough, that they just simply didn't pour enough money into this problem.

Of course, we all know on this side of the aisle that we conservative Republicans are going to continue to fight this plan the Democratic majority has of just spending more money. You cannot spend your way out of debt. Every family in this country understands that and understands that very clearly. We'll talk about this in the ensuing hour as we proceed with the colloquy.

As Representative GRAVES points out, Mr. Speaker, the problem is not them. The problem is us. We can blame other countries all we want for our own woes. We can blame Greece. We can blame Spain. They spent an hour blaming China. How about blaming our tax policy that has a corporate tax rate of 35 percent? It is one of the highest rates of any industrialized country. While all of the other countries in Western Europe are lowering their corporate tax rates, we just leave it alone. We don't do anything about it.

As the gentleman from Calhoun and from Gordon County just said, we are about to let—not ''we,'' but you, Mr. Speaker, and the Democratic majority—the Bush tax cuts expire.

Representatives GRAVES talks about marginal rates. He didn't have a chance yet—and I'm sure he will—to get into the estate tax and, instead of there being a 15 percent tax on dividends, letting it go up to the marginal rate, indeed up to 39.6 percent, and letting capital gains go back up from 10 or 15 percent to 20 percent.

□ 2240

These are the job killers. All of these regulations, union wages, kowtowing to them, giving them special deals, paying them, in many instances far more, and, indeed, even letting them work Federal jobs and negotiate union activities while they're supposed to be working for the taxpayer.

I could go on and on, but I want to yield back to the gentleman controlling the time and look forward to my colleagues as we go through this hour.

Mr. GRAVES of Georgia. Well, let's take a quick glance at where we are from a perspective financially, and then the positive solution of balancing the budget. Imagine that, balancing the budget, balancing the checkbook here at the Federal Government.

Well, here's the truth of where we are. And we heard earlier when our friends from the other side were talking about how good it was since the new administration has taken over. Well, here's some facts. The facts don't lie. I mean, the truth is that the deficit under this current administration and leadership has just blossomed tremendously since they've taken charge.

Now, we've heard a lot. In my 44 days, I've heard so much about President Bush, President Bush, the last 8 years, his administration. But you know what? I think they've had a little bit of amnesia, because they took the majority in 2006, swore in their Speaker in 2007, and look what happened. From that point forward, the deficit bloomed and unemployment increased.

It all works together simultaneously, but yet they want to look back over the full decade and forget that, You know what? They're responsible. They were in a governing position, and yet they don't want to accept the responsibility of governing.

So that leads us to where we are right now, at a point of lack of governing, because for the first time since 1974 no budget has been presented here. And the question is: Where's the budget?

And right here you can read the quote. It says, Skipping a budget resolution this year would be unprecedented. And we've seen a lot of unprecedented things over the last several months, but this, in itself, is unprecedented. The House has never failed to pass an annual budget resolution since the current budget rules were put into place in 1974. And that's reported here back in April.

But budgets are necessary, according to the leadership here. STENY HOYER, our current majority leader, said, enacting a budget was the most basic responsibility of governing. That was the year they took over, the year they took over. And since then, look what's happened.

And then, of course, from the House Budget Committee chairman, if you can't budget, you can't govern. Right there it is.

Well, that leads us to today. I believe it's time to let the American people know that we have solutions to balance the budget and actually have a proposal in place, and that, I can tell the American people, hasn't got a hearing. I wonder why. I wonder why.

H. Con. Res. 281, which I know many of the colleagues here have signed on to it—I'm not sure if one would want to speak to it in its specifics, but it provides tax relief, returns to 2008 spending levels, makes no changes to the Social Security laws as they currently are, provides spending increases equivalent to the inflation growth in Medicare and Medicaid, requires each committee in this House to find savings equal to 1 percent of the mandatory spending, repeals the Troubled Asset Relief Program, TARP, repeals TARP, repeals ObamaCare, and then also provides medical liability reform, freedom to purchase health care across State lines, repeals Davis-Bacon, so many other things, great concepts there. And I'm sure you'd like to speak to some of those and the need, the importance of balancing the budget here in the United States Congress.

Mr. GOHMERT. I appreciate my new friend for yielding.

And going back to a comment from good Dr. GINGREY from Georgia about the $862 billion stimulus package, because I know he recalls and others recall that CBO told us that it was a $787 billion stimulus package. And lo and behold, we get here a year later, and they say, Oh, you know what? We blew it by about 15 percent. We just blew it.

Most statistical analysts say, you know, it's within the margin of error, 2

to 4 percent. Not with CBO here. You know, maybe we can blow it 25 percent, in this case, 15 percent or so. Whoops.

In a year's time, we were $100 billion off the mark. Really, to be fair, $80 billion off the mark. But still, that points out just how irresponsible things have gotten.

And when you look at the numbers, too, you find out that CBO really has been a bit of a willing ally, an accomplice, complicit in what's been going on. They told the country, okay, this ridiculous health care bill that's going to bankrupt the country, we're already finding, they're already starting to tell people we're going to have to ration your care. And, by the way, it's going to cost about $250 billion more than we thought it would. We just misplaced some numbers somehow, because if we had found them before the bill came for a vote, people had said they wouldn't vote for it if it was more than $1 trillion.

Well, what difference does another $250 billion make when you're putting us in debt $1 trillion? But the CBO just magically forgot, misplaced, you know, 200, $250 billion or so until after it passed, and then within a matter of a couple of months they found it.

We're in trouble here and we need to get rid of CBO. We need to get some kind of independent group, whether it's Moody's or some other, that can do an adequate statistical analysis.

But the games that are being played with jobs would be comical if it weren't representing real people hurting, real people hurting. And I proposed a year and a half ago that instead of spending $1 trillion, and we were told that we may be spending $3 to $9 trillion just to try to get the economy going. Hey, spend $1.21 trillion and you would let everybody in America forego paying any income tax for the year. You let people keep their own money and they would jump-start this economy.

Yet, what our friends across the aisle are saying, ''No, no, no. Our friends across the aisle want to give tax cuts and allow the lower rates only to go to the wealthy.'' Because the way they identify it, the 53 percent of adult Americans that will pay all of the income tax this year they consider to be the wealthy. And so what they're, in effect, saying is the Republicans want to give tax relief to the only people paying the taxes.

''We, on our side of the aisle, we want to give tax relief to all the people that aren't paying any tax.'' Well, there's another name for that. It's called redistribution of the wealth. It means those who have not been able to earn anything will have money taken away from those that earned it and given to those who didn't.

We need to help those that can't help themselves, no question. But we do not need to become a government that did what I saw as a judge, where the government lures people into a rut they can never get out of and gives them no hope, no way out, just still feeding them a little unemployment check, feeding them a little check here and there just to keep them in a rut with no help getting out.

It's time to blow the lid off this thing and get an economy going where small businesses create the jobs. Yes, the small businesses are the ones that need the tax cuts. They certainly don't need the biggest tax increase in American history that's coming in January. They're the ones that are going to provide the hope for creating the jobs.

And so I hope and pray we'll be able to help the small businesses create the jobs instead of just doling out these little temporary census worker jobs, which, as my friends know, was all that happened in June. 411,000 out of 431,000 jobs created in America were temporary census jobs.

I yield back to my friend from Georgia.

□ 2250

Mr. GRAVES of Georgia. You know what's so exciting about this America Speaking Out program is that we're getting ideas from Americans that are sitting around the kitchen table and they're talking about what would they do if they were in charge. What would they do if they were making these decisions. As they're watching the TV, and oftentimes in disgust seeing what comes out of Washington, D.C. The ideas that they have proposed and the thousands of connections that have been made.

And I took that to my district and somewhat implemented a program much like that and developed an economic advisory council of business and community leaders from each and every county in my district to seek input from them to tear down that wall. Because for far too long Washington has not been listening. And so we just took that wall down and said, hey, we want your ideas so we can push them up and present them here to the full House as the ideas from Main Street itself, not from Capitol Hill. But we need the ideas from the hills of north Georgia, are where the ideas come from, and the hills from all over this great Nation.

But you know, balancing the budget is a great start. Every American family has to balance their checkbook. But yet right now, here, leading by example, a terrible example is a Federal Government that is so far outside of its bounds with deficit spending and increasing its debt, it's unsustainable.

So I guess the Republicans have a solution right here. House Concurrent Resolution 281 balances the budget, cuts taxes, and cuts spending, something that's unheard of here in Washington, D.C. When every State and local government all around this Nation's cutting spending right now, every family's cutting spending out of their personal budget, here on the Federal level we just keep spending, spending, spending.

Mr. THOMPSON, you looked like you had something good to add to the conversation here.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend. And I want to come back to one word I think that really describes what is suppressing jobs, what is killing jobs, what is keeping jobs from being created. And that is uncertainty. Uncertainty is the direct result of all the policies we've seen piled upon the American economy in the past 19 months. And you know, as I travel around in my district, just like you do, you talk with the job creators, you talk with the people who take the risks, that every year take their profits—and no, that's not a bad word, that's a good word. That's how we've grown and built this wonderful Nation, on the backs of entrepreneurs and small business men and women.

And they take their profits and they reinvest them back in their company. And they add a product line or they build a new site. They hire people. Well, they're not doing that right now. They're sitting on the sidelines. And that's a direct result of just all the terrible policies that have been crushing our small businesses.

When I think over this past 19 months, and I'm in my first term here, you know how many times taxes have been raised? Now, we're looking at the largest tax increase ever that's looming. And we should talk more about that. But we should not lose sight of the fact that taxes have already been raised tremendously on these job creators, these small businesses.

Now, my colleagues across the other side will say, well, we only taxed the wealthy, those folks who made somewhere around $200,000 or more a year. And you know, where I come from, yeah, that's a lot of money. Absolutely. But when you really drill down and you look at who those people are, 60 percent of those folks are small business owners whose small businesses are organized as a limited liability corporation or an S corporation. They pay their taxes as individuals. And out of that maybe $200,000, if they are lucky, that they generate, they're paying a payroll, they're employing people, they're providing family-sustaining jobs. And, you know, I've lost count of how many times they've raised taxes on those folks since January 2009. It's crushing.

And you talked about the largest tax increase ever. And this has been my fear all along, that 2009 was a really tough year. 2010's a tough year. But it's been—you know, there's almost like an anesthesia that, Doc, that's been applied. You know, all this government money's been thrown at people so it makes folks feel a little bit better because unemployment went down. But as my good friend from Texas noted, a lot of those were temporary government sector jobs that drove down unemployment nationally for a short time. Never went down much less than 10 percent, but it took the edge off.

Well, my greatest fear is in January 2011 we're going right off the cliff. Because that's when these new taxes,

these new regulations—we've tripled the size of the Environmental Protection Agency, although around home I refer to them as the Excessive Punishment Agency. You know, all that takes effect beginning January of 2011. And then you put on top of that the things that you've talked about, the largest tax increase ever, $3.8 trillion. What will that be? Well, we are going to see the marriage penalty is going to return. The child tax credit's going to be halved. The death tax, which I think is just double taxation at the least. We put a tax on somebody's death.

Mr. GRAVES of Georgia. Let's stop there for a second. You're talking about the marriage tax. Now, those are the people, the wealthy married people or is that all married people? That's everyone, right?

Mr. THOMPSON of Pennsylvania. That's everybody.

Mr. GRAVES of Georgia. And now the individuals with children are the ones getting the penalty here, the ones who are the wealthy, or is it everyone who has children?

Mr. THOMPSON of Pennsylvania. It's everyone.

Mr. GRAVES of Georgia. It is everyone. So the fact that they stood over here, what, 40 minutes ago and said, oh, these are tax cuts for the middle class, that's not the case. The largest tax increase in the history of this Nation will occur in 5 months. But we have a bill that we've introduced, and I am sure y'all have cosponsored it, I cosponsored it, to block that, to block that tax increase, and to allow the taxes to remain at the level they are today. And of course we would want to see them lowered. But it's not a tax cut. We're just saying, hey, keep it at the level it is. Don't raise them. Because that's what they are doing. They're raising taxes.

Let me finish this balance the checkbook thing real quick, and we'll talk about confidence in a minute. So balance the checkbook. Republicans, we're saying let's cut spending. Let's stop this excessive spending that's going on here in Washington. We can do that by repealing the unused portions of the stimulus bill. They talk about how great it's been, the grand fanfare of the stimulus, when in fact a third of it hasn't even been spent, which means, again, it's not working.

We need to end the bailouts. And then of course the big one, repeal ObamaCare, which is a nearly $600 billion tax increase on all Americans and businesses all over the United States.

Mr. GINGREY of Georgia. If the gentleman will yield.

Mr. GRAVES of Georgia. Billion, right, that's nine zeroes.

Mr. GINGREY of Georgia. In regard to America Speaking Out, the poster—if you don't mind, Mr. Speaker, have the gentleman put that America Speaking Out poster back up so our colleagues can take a good look at it. I was just, as I stood here, thinking about our colleagues from the majority side of the aisle who had the previous hour. There was a Member from Ohio, there was a Member from Wisconsin, and there was a Member from California.

And I will just bet you, Mr. Speaker, if the folks in those great States will take the opportunity of going on that Web site, www.AmericaSpeakingOut.com, and input what their concerns are, it would probably mirror what is on that poster that Representative GRAVES has presented to our colleagues this evening in regard to balance the checkbook, cut spending, repeal the stimulus, $862 billion. Indeed, the Representative from Wisconsin said that wasn't enough spending; we need to spend more.

Mr. GRAVES of Georgia. This is what Americans are saying right here. Americans did not go to AmericaSpeakingOut.com—and this is nonpartisan, it's confidential—Americans did not go to that Web site and say increase spending. They did not say increase the stimulus and do another one. They did not say continue the bailouts or keep ObamaCare. They actually said stop all this stuff. Stop it. That was America speaking out right here.

Mr. GINGREY of Georgia. If the gentleman will yield, I would say that the gentleman is absolute, Mr. Speaker, right on target. And he said a key word. And that is that this is a nonpartisan Web site. Yes, it is created by the Republican minority for all of America to let us know, whether they be Democrats, Republicans, independents, libertarians, whatever. Let them have the opportunity to tell us, and let's have a bubble-up-from-the-bottom contract with America, not a top-down driven government-knows-better-than-anybody-else kind of plan that it seems the Democratic majority is heck bent and determined to force on the American people, just as they tried to force a year-and-a-half ago cap-and-trade, an energy policy that was run amok, that would result in probably $1,500 minimum a year per family in increased energy costs.

And then of course they come right back after that with this ObamaCare that Representative GRAVES is talking about. He mentioned the $600 billion worth of increased taxes to pay for it.

□ 2300

What he didn't mention was the additional $525 billion cut to the Medicare program, which we all know, all four of us know, is $75 trillion of unfunded liability over the next 50 years, and you're going to gut it 12 percent a year and then have the unmitigated gall, Mr. Speaker, to spend taxpayer money and send out these brochures, these glossy, fancy Medicare brochures assuring seniors that it's going to be better for them to cut their programs 12 percent a year and Medicare Advantage 18 percent a year.

I think the American people know better, and I think that the folks in Wisconsin, the folks in Ohio, and the folks in California are going to let those three Representatives know and give them a sure earful when they get back to their districts come August recess.

Mr. GRAVES of Georgia. Thank you, Dr. GINGREY. You are absolutely right.

Now, let me summarize. We've been talking about solutions here tonight. First one we were talking about was job creation. Certainty was mentioned by Mr. THOMPSON there. Uncertainty being the problem; certainty being the solution. So some certainty would be let's pass this legislation that blocks the largest tax increase in the history of our Nation. Let's get some of this regulation out of the way. Let's empower the small business owners and just embrace and ignite that entrepreneurial spirit. The solutions to job creation.

The second component we were talking about is the spending and balancing the budget. It's time to cut spending. Let's say enough is enough here in Washington. All of America, all businesses, all State, all local governments are cutting spending, whereas here we are, we're raising spending. But we've even gone a step further, taken a bold step and said, we've got a plan to balance the budget here for the Federal Government.

And now the third category, which I think really involved the American people last year, not in a positive way because they weren't engaged in the process, because it was a process that was behind closed doors, but it raised the awareness of the abuse of the process and the abuse of the rules and abuse of the system right here, and that was health care.

As we've talked about America Speaking Out, repealing ObamaCare was one of the top items mentioned or indicated out of the—what did we say, nearly 12,000 respondents, 12,000 specific ideas and 600,000 votes cast for different ideas. We've got an interesting chart here, and this will be the debut I believe of it publicly to show the health care plan as passed, the health care plan as passed.

It was approached or presented as a plan that was patient friendly, right? Isn't that what it's called, the Patient Protection Act? This is the ObamaCare health care plan in a schematic of what occurred out of the 2,000 pages of legislation. They're still today figuring out that portions of it were in there that they never expected or knew were in there, including new additional taxes.

But let me point out as we discuss this, and I know, Doctor, you've probably got a lot of insight into it because we do have an alternative plan. We had one then, it was presented then, but it's still in committee right now.

But let me point out to those watching. Here's the physician at this point. Here's the patient down here at this point, and all of this government is in between. How is that better for the American patient, for the young boy

that's needing care? How is this better for that young single mom who's just trying to get care for her child? This is not better. This is a mess, a governmental nightmare right here, and this is as it's passed and has been signed into law, the Obama health care plan.

Mr. GINGREY of Georgia. If the gentleman will yield, Mr. Speaker, this is absolutely astounding. I have seen that chart before, not maybe in quite such a vivid highlight and outline, but Mr. Speaker, my degree is in chemistry. And when I first saw Representative GRAVES put that chart up for all of our colleagues to see, I thought that was the periodic table. Really, it took me back to my chemistry days and the periodic table of the elements. It's probably changed some now because it has been a long time since I attended Georgia Tech and got that BS in chemistry, but this is more complex than the periodic table.

And I'm sure the gentleman from Ranger will agree with me, it's something like 130 new Federal agencies that were created by this mess, all between the doctor and the patient. Maybe my colleague will point out where the doctor is on that chart and where the patient is.

Mr. GRAVES of Georgia. You're right. This is the doctor. There's the patient. You would think the patient and doctor would be in the center, right? That should be the center of this diagram, but it is not. It is this newly empowered Secretary of the Health and Human Services that is in the center of which all of this spirals off of, and all of this is documented and all the code sections are outlined on here how it was created, and it indicates new mandates, new taxes, new programs, new processes. All of this is in this new health care plan that is going to be a mess for Americans right here.

The great thing is, though, that as we stand before America tonight, we don't stand here without an alternative, without another idea. We come before America boldly with another alternative, and the first step, in my opinion, is we have to defund this mess. Let's just put the brakes on it. We don't need another, what, $600 billion in new taxes. We need to defund this, and we have introduced legislation that is H.R. 5882, which each of you are probably cosponsors of and I'm the sponsor of the legislation to just defund it altogether, and let's start over because the process was broken. The policy is flawed.

Let's get a patient-centered, patient-driven health care plan in place of which we've got good alternatives. Would you like to share a little bit about the proposal that's out there, or do you have some ideas yourself?

Mr. THOMPSON of Pennsylvania. Thank you so much for looking at this. What a nightmare this is. I spent 28 years managing a rural hospital, and what I see there, when I look at that chart is not the periodic table. I see bankruptcy for hospitals, physicians, health care providers.

I mean, my health care career goes back to the beginning of the 1980s, and I am a proud survivor of the first prospective payment system, diagnostic related groups that were rolled into hospitals all across the Nation. I was there in the 1980s. I was there in the 1990s for the Health Insurance Portability and Accountability Act, HIPAA.

HIPAA would just be one of those circles on that chart, but let me tell you the experience of health care, and it's health care everywhere, but it really hits hard in rural health care and underserved urban areas.

The bureaucracy that was required to implement HIPAA in the 1990s was tremendous. It took dollars from actually providing what I thought was compassionate and cost-effective care, and you had to hire clerical staff, you had to hire compliance individuals, you had to hire people that never saw a patient, never did anything to directly touch that life of somebody that was facing life-changing disease and disability in the health care work that I was privileged to participate in for 30 years.

You take that experience of HIPAA in the 1990s and now multiply that by the complexity of that chart. You know we have worked hard, I know Dr. GINGREY has, all health care professionals work very hard to make sure that health care is patient-centered. It's about the patient. And this is not about the patient. This obviously is government. This is not patient-centered health care. This is government-centered health care, and there's many different proposals out there.

Let me just touch on two of those because I think it's very important that as we show the negative impacts of this, that we show the alternatives, the things we are working on that are better solutions, what I like to call smart government solutions.

Going back to July of 2009 when we introduced the Putting Patients First Act. That's an act that addresses people with preexisting conditions and makes sure they're able to purchase affordable health care insurance. It's about providing greater access to care. It was about bringing down the cost of health care for all Americans. It was about preserving and even increasing the innovation quality of health care that comes out of this country and certainly about preserving that important decisionmaking relationship between the patient and physician, not allowing the government or bureaucrat to do that.

□ 2310

Putting Patients First Act, I encourage people to check that act out. You know what, it doesn't raise taxes a dollar. No cuts to Medicare, and yet it achieves all the things it needs to achieve.

You know that's the kind of thing, when we repeal this, that's what we need to replace it with. And I would tell you there are things we need to surgically repair right now, because I don't expect that President Obama—I would expect a veto on any general repeal any time soon, so we need to surgically repair, certainly working with an eye to repeal.

And I am sure all my colleagues on the floor here are also cosponsors of H.R. 5141. It goes right back and it deals with the health care bill, but the impact's directly on small businesses.

Under the ObamaCare plan, every small business, for every exchange of business, a vendor, a contractor, just buying resources, anything more than $600, they are required to file a 1099 form today under the ObamaCare plan. For some businesses, that's thousands of 1099 forms. We are talking more clerical staff. We are talking more overhead cost. We are talking about complying with bureaucracy that is just raising the cost on small businesses.

I am proud to be a cosponsor of H.R. 5141. It puts an end to what I call death by a thousand paper cuts. And that is where health care buries small businesses, in paperwork.

That's another example of a Republican, smart government solution that we have put forward and it has been introduced. It's out there and, frankly, it would be good for America.

Mr. GRAVES of Georgia. You are absolutely right. So you presented a solution. H.R. 3400 would be the Empowering Patients First Act. We have talked about deauthorizing the funding for this mess here, and you talk about surgically removing some items here. I mean, this is a mess.

Mr. THOMPSON of Pennsylvania. It's going to be a whole lot of surgery, though.

Mr. GRAVES of Georgia. You wonder why this component would be in a health care proposal. The IRS, the Internal Revenue Service, is part of a health care plan; although, I think we all know that the American people do not want to have to go through this maze in order to get their health care taken care of here in the United States.

We have a couple of opportunities. One, H.R. 5882, for those whom are viewing this tonight, could encourage their Members to sign on to, and that would not allow any funds to be authorized or spent towards this here. Then there is the Repeal It proposal that repeals this altogether, and there are two of those out there. There is a letter or petition to have one voted on here on the floor, and that's H.R. 4972, by Mr. KING. That's the Repeal It legislation.

Then you have spoken about the alternative, the replacement. So you have defund it, repeal it, and then replace it with H.R. 3400, which is a free market, capitalistic solution to health care for Americans to allow them to be empowered, empowering them.

Would you like to add some more to this? I know we are getting close here before we need to stop sharing the truth here.

Mr. GOHMERT. It should be noted in all those little areas, you talk about all the new parts of government that are created and brought together in this—it's not a health care bill. It's a GRE—government running everything—bill. But they all have little references to the specific areas within the law that created them and created the relationship. That's one thing.

Another thing is, you know, all of the records, the medical records that people consider so personal and so dear will be in the Federal Government control. I think they are contracting out to their dear benefactors and contributors at General Electric, but they will have all that information, and the IRS could have access to your most personal information.

Can you imagine the debt collectors of America being able to have your most personal medical records? Well, that's what will occur here, and there's a great quote from Patrick Henry. People remember, ''Is life so dear and peace so sweet as to be purchased at the price of chains and slavery?''

He had one quote where he said, ''The Constitution is not an instrument for the government to restrain the people; it is an instrument for the people to restrain the government—lest it come to dominate our lives and interests.'' When I look at that board and I look at all the new government that is just going to be overwhelming people, they don't need the doctor after they start dealing with all this stuff.

Is that quote ever more appropriate that the Constitution should restrain the government lest it come to dominate our lives and interests? Will it ever?

Mr. GRAVES of Georgia. Last August, the American people were pretty upset about that. They were fired up 1 year ago as the leadership of this Hall went out all across America and avoided town hall meetings because they could not defend this 2,000-page spaghetti plate here of mess, because the American people know that the government taking over their health care is not the best option. The best option is the patient, the individual that is being empowered.

Mr. GINGREY of Georgia. You know, you talk about there is a temptation to try to surgically repair. But, Mr. Speaker, when you look at that chart that Representative GRAVES is presenting and you realize the complexity and there is so much wrong with this bill, I am afraid that by the time that you tried to surgically repair, there would be very little left to say grace over. That's why so many of our colleagues on this side of the aisle feel like that we need to repeal this bill, this monstrosity, this omnibus of 2,400 pages, government takeover of one-sixth of our economy, 16 percent, and start over, and start over.

Just this past week in the Energy and Commerce Committee—but we deal with a lot of health care issues, and this monstrosity, indeed, started over a year ago. We passed, this week, eight separate health care-related bills, none of which were more than five pages long, and we did it in a bipartisan way.

We can certainly come back and, with four or five really good solid ideas, and maybe we can present those in a subsequent town hall meeting or Special Order hour here on the House floor, but that's what we really need to do. I think it's important that people understand that.

I thank the gentleman for having us here and this colloquy so that our colleagues, Mr. Speaker, and the American people can better understand what we truly need to do to repair this.

Mr. GRAVES of Georgia. Mr. Speaker and my colleagues, I want to thank you for joining me tonight, because here at this late hour here on the east coast, we are standing before the American people presenting alternatives, solutions to these challenging days.

We started off by talking about the economy and jobs and job creation, and that's empowering the private sector, not empowering government, creating certainty in the marketplace as opposed to the uncertainty that is out there today by standing in the way of the largest tax increase in the history of this Nation, which is about to be unfolded here in the next 5 months. And then also the reduction of capital gains. The reduction of the corporate tax rate and just igniting that entrepreneurial spirit once again to allow that entrepreneur, the American business owner, to dream, and to dream big and to go work hard.

Then next we talked about spending and spending cuts, balancing the budget. Very difficult items here on the Federal level, it would seem by the majority party. But, instead, we have proposed positive solutions to balance the budget like has never been seen before.

Then lastly, the health care. And all of this comes as a result of America Speaking Out, the Web site in which 12,000 responses were given and over 600,000 votes were cast on different ideas and concepts. Listening to the American people about jobs and the economy, about spending, about balancing the budget and the health care proposal, which leads us to defunding it, repealing it and then replacing it with a patient center, patient-driven concept that provides affordability, portability, and accessibility to Americans.

But this is not a time in which we stand and point fingers as we have heard over the past several weeks. My 44 days being here, the other side has pointed fingers back, back in time. But we are not here to do that. This is not about Republican and Democrat. This is about America right now and this is about getting our economy back on track. It's about creating the confidence once again in the marketplace and then providing true health care solutions.

So I appreciate my colleagues in joining me tonight on this late hour. I know it means a lot to your constituents that you would do that and that you would be working at this late hour in the evening because you know how important it is.

Mr. Speaker, I yield back.

□ 2320

CELEBRATING 100 YEARS OF THE BOY SCOUTS OF AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for half the remaining time to midnight.

Mr. GOHMERT. Mr. Speaker, I do appreciate my friends from Georgia and the wonderful contributions that they have made to enlightenment with regard to these issues.

There is an issue that we want to recognize and take up tonight, and it's a wonderful topic, the 100th anniversary of the Boy Scouts of America here in the United States.

The Boy Scouts of America were incorporated on February 8, 1910 and chartered by Congress in 1916. The mission statement of Boy Scouts was to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the scout oath and the scout law.

It's interesting, doctors say that often our short-term memory is the first to go and our long-term memory seems to last longer, but I still do recall the scout law, that a scout is supposed to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent. Those are good things to live by. The Boy Scouts have continued to live by that and produced incredible Americans over the years.

Right now we celebrate this fact because there is the National 2010 Boy Scout Jamboree going on at AP Hill—not terribly far from here—and so we've had thousands of Boy Scout visitors come through Washington, come through the Capitol. It's been an honor to take many through the Capitol and through this area, and we have many more coming. I know my district has 85 in one group that will be coming through on August 4 when they leave the AP Hill area and others have been helping as staff members.

But the jamboree is worth noting. There are 45,000 attendees that will include 37,000 Boy Scouts from all 50 States, 8,000 scout leaders and staff. A whopping 275,000 visitors will join the celebration over the course of 10 days to partake in the festivities. This 76,000-acre area has been hosting the National Scout Jamboree since 1981. The Boy Scouts use approximately 3,000 acres of this land to support a city of over 50,000 inhabitants.

One of my daughters asked years back, after having found out that one of the parents of one of her friends had

been at Woodstock, asked me, Daddy, did you go to Woodstock, she said. I said, Well, no I didn't. She said, Do you remember where you were during Woodstock? I said, I certainly do. Well, where were you? I was outside of Coeur d'Alene, Idaho, at the 1969 National Boy Scout Jamboree. And we had rest rooms that worked, we didn't commit immoral acts, we didn't have illegal drugs, and we didn't need the National Guard to come in and rescue us from ourselves as happened at Woodstock. Today there are those who are proud to proclaim that they had the morals of Woodstock—some continue to, they continue to attack the Boy Scouts.

Of course we know the Speaker and 10 other people had pointed out in 2000 that the Boy Scouts had an ''intolerant policy'' of excluding people who practice homosexuality from leadership, so they were demanding that President Clinton step down as honorary chairman. He did not do that. And President Obama right now is Honorary Chair of the Boy Scouts of America and has spoken to them by video, and I know the scouts appreciate that.

Scouting has meant so much to so many. It prepares you for the future. It prepares you to save lives. I never thought I would have an opportunity to use any CPR training that I had gotten through all my years as a Boy Scout, going up to becoming an Eagle Scout; but when the day occurs, there is no substitute for having been through that. I get a big hug from a dear friend at church every time and he says, This is the guy that saved my life. Actually, it was the Boy Scouts that did it through all those years of training.

I've been joined by a dear friend, also a Boy Scout—I believe an Eagle Scout as well—and I would certainly be glad to yield to a fellow Eagle Scout.

Mr. THOMPSON of Pennsylvania. Well, I appreciate being yielded to by a fellow Eagle Scout.

It truly is an honor and a privilege to be here this evening to recognize an organization that has for 100 years, for an entire century, served this Nation through serving the youth. It is just a remarkable organization.

This is actually my 40th year in scouting, and so I've had tremendous opportunity to be able to see how scouting touches the lives of boys and girls. We think scouting today is the Boy Scouts of America, but frankly the Venture Scouts is a coed organization, and the Boy Scouts make a tremendous difference in the lives of boys and girls.

I have with me today actually the 12th printing of the Boy Scout Handbook, which is a handbook that is just a fascinating read. For 100 years, 12 editions, this has been printed, and the basics are still the same. Like my good friend from Texas talked about, he named those 12 parts of the scout law. The principles of citizenship are here, of character, of the scout motto, ''Be prepared,'' the scout slogan, ''Do a good turn daily,'' and the principles that are found within the scout oath.

This 12th edition, since 1910 there have been 39,470,000 handbooks printed. What a legacy in terms of service. And I want to take from it just a couple of quotes. First of all, the vision statement for the Boy Scouts of America. And this is a vision that is just as solid today in terms of serving youth—and I think our Nation—as it was in 1910 when a Chicago businessman, William D. Boyce, was traveling to London, England and was out on a foggy evening.

He was looking for a business address, and he was absolutely lost in the fog, as the story goes. And as he was bewildered and wandering aimlessly, he was approached by a young youth from England who volunteered his services, not just to point this American businessman in the right direction, but to actually physically take him to that location. This boy went out of his way to serve him—to provide a good turn, so to speak. At the end of that, the businessman wanted to reward the lad.

I suppose he reached into his pocket to offer him a coin and the young boy said, sir, I can't take that, I'm a scout, and we provide that kind of service. This was a good turn. That so impressed Mr. Boyce that he came back to this country, got together with some other leaders within this Nation, and soon gave birth to the Boy Scouts of America 100 years ago, all from the selfless service and good acts of one young person. And today, scouting continues to make differences one good turn at a time.

I would like to share with you the vision which really stands as true today as it has been. This is the vision statement: ''The Boy Scouts of America will prepare every eligible youth in America to become a responsible, participating citizen and leader who is guided by the scout oath and the scout law.'' I mean, what a great vision, a vision that continues to guide an organization that serves our youth.

I want to share and also quote because my good friend from Texas reflected on our President and past President related to scouting. This is another President who also was an Eagle Scout. This was former President Gerald Ford, who was an Eagle Scout and the 38th President of the United States of America. And President Ford was quoted: ''I can say without hesitation that because of scouting principles I know I was a better athlete, I was a better naval officer, I was a better Congressman, and I was a better prepared President.'' And so obviously President Ford recognized the value of scouting in his life.

□ 2330

Mr. GOHMERT. If the gentleman will yield back for a moment, I owed the Army 4 years from an Army scholarship to Texas A&M.

From the years of being a Boy Scout, I was good at orienteering, which is the process of taking a map and a compass and finding your way from point A to point B and getting back. Those were things that were important to know when you were in the Army. There is no question that I was quite good at it in the Army because I'd had fantastic training in the Boy Scouts. It was the same way when learning to fire a .22 out on the range as a very young Boy Scout. The first day was the camping, the cooking. It was all about this planet and the things that occupy the planet—this amazing creation that God provided to us, which we learned and studied and had to spend a great deal of time becoming so acquainted with as Boy Scouts.

It may seem silly, but when my wife and I were helping with some decorations before a big dance there in Tyler, there were some ladies on a big scissor lift, helping put up heavy 10-, 15-pound decorations to suspend from the ceiling. They had a 50-pound fishing line, but they couldn't get any knot to hold to keep those things up.

So they yelled down, Does anybody know of a knot that would hold?

Well, I was an Eagle Scout. Of course I do. So they brought the scissor lift down. I got on. I got somebody to come up and help.

I would yield to my friend: If you had somebody yelling, ''Does anybody know a knot that would hold?'' what would my friend seek to use?

Mr. THOMPSON of Pennsylvania. Oh, there are a couple that come to mind. I'd probably start with a bowline, though.

Mr. GOHMERT. That's exactly what I did, a bowline, and that thing doesn't give. You can even do it with one hand.

Mr. THOMPSON of Pennsylvania. That's right.

Mr. GOHMERT. They made you learn to do it with one hand. In case you were hanging from a rope on a mountainside, you could reach up with the other hand and tie that bow and be able to suspend yourself, just hanging with the rope, without having to hold on for dear life. So there are amazing things you learn in the Army—from the stars to Morse code. I don't remember that so well anymore, but what phenomenal training.

One of the facts we have indicates that, in 2009, Boy Scouting recognized their 2 millionth Eagle Scout. We know that the Eagle Scouts are only a tiny percentage of all of those who actually go into Scouting and who benefit from Scouting. So that's quite an accomplishment. There are 2 million Eagle Scouts in the Boy Scout program.

Another thing that is worth noting is, when you see a Boy Scout get to be a Tenderfoot and as you work your way up to Second Class, First Class, Star, Life, and Eagle, you don't attain those badges, those accomplishments, by representing only yourself. No Boy Scout ever has or ever will. It represents the millions of people who have helped Scouting over the years.

In my case, my parents were so encouraging, and my mother was actually more than encouraging. She was

downright pushy—my late mother, rest her soul. My Scoutmaster—rest his soul, Sam Parker—had more influence on my life than any man besides my father, I think. I've had such wonderful men and women help teach and encourage me; but my Scoutmaster, who was also an American history teacher, instilled just a love of American history and of America's greatness, not because America just all of a sudden appeared and did these things, but because it was blessed by God. Those things are in the Scout Oath.

My daughter Katie prepared a collage some years back, and it had all kinds of things on there from the music I liked to different things I'd accomplished. There was high school football and all of these different things that were pasted, and there were slogans and things. Well, right in the middle, on a small piece of paper—in the center of everything and with all the other things emanating out from it—was the Boy Scout Oath:

''On my honor, I will do my best to do my duty to God and my country and to obey the Scout Law to help other people at all times, to keep myself physically strong, mentally awake, and morally straight.''

When I saw that and saw that that was the centerpiece of everything, I asked, ''Sweetheart, do you think of me as a Boy Scout?''

She said, ''Daddy, you'll always be a Boy Scout.''

I take that as quite a compliment, as I know my friend Mr. THOMPSON, likewise, is proud of the accomplishment.

One other thing before I yield to my friend about becoming an Eagle Scout: The people in my hometown who contributed, the churches and businesses that helped make our Scout troop a success and the volunteers who worked and made it go and who gave us that opportunity deserve such accolades for what they did and for the difference they made in all of our lives as boys.

When it came time for the Eagle Court of Honor, which is where I received my Eagle Award, I was the oldest of three boys. I have another sister who is older, and I just lost my younger brother a few months ago. We each, in turn, became Eagle Scouts. After my mother passed away in 1991, we were looking through her jewelry box. She had some jewelry pieces that were very nice; but in a small area, she had the most valuable pieces of jewelry she'd ever owned. There was a ring that had some rubies and diamonds on it. There was a gold nugget necklace, which had real gold nuggets. Then there were the three Eagle Pins that Eagles pin on their mothers at the time they're awarded the Eagle. It made it pretty clear that, not just for me but in my mother's life, her boys—all three—becoming Eagle Scouts was one of the most treasured things that she had.

I yield to my friend, Mr. THOMPSON.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend.

You know, I think the statistic is one out of every three persons has had some experience with Scouting, with Boy Scouting. They've been Boy Scouts or they've been parents of a Scout or they've had a sibling who's a Scout. There is a connection there. I know, for those who have been in Scouting for just a few years, what a difference it makes.

One of the hardest things I had to do 19 months ago when I was sworn into Congress was, 3 days before that, I had to retire as Scoutmaster. I wasn't going to be home for the meetings. Certainly, when I am home on weekends, I wish I could go on camp-outs. It doesn't happen in this job, just the demands of it. I served as a Scoutmaster for 30 years and saw literally dozens of boys earn their Eagle Scout Awards. You know, that's what they do. In the 100 years of Scouting in this country, there has never been one Eagle Award given away. They've all been earned—each one.

□ 2340

And to have three sons that are Eagle Scouts and who frankly, went on to—I've seen how that has made a difference in their lives.

And it has just been, you know, my home troop of Howard, Pennsylvania, Troop 353 is a great troop, and it's a family experience, too, in scouting. It makes families stronger. There's just a role. It's not just for the youth. It's families. Moms and dads get involved and extended families get involved.

And I think back very fondly to my years, from age 11 to 18, as a youth in scouting, Walker Township Troop 52, where—and my scoutmaster. Actually, I just talked with my scoutmaster. He'll always be my scoutmaster, even though I'm 51 now.

I talked with him just a few days ago, Harold Yearick, and Ray Lahr, who was assistant scoutmaster and also scoutmaster during that time. Those were men that just, you know, the values that I learned from them they demonstrated in their actions of duty to God and duty to country and duty to others and duty to self.

And so, to this day, those are principles I use when I make decisions in Congress. I ask myself those four questions. Is the decision I'm making, what about my duty to God. Is it righteous according to God's word?

The SPEAKER pro tempore (Mr. PERRIELLO). The gentleman is recognized for an additional 20 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker. And I yield again to my friend from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Thank you.

Duty to country. The decision I'm going to make, is it according to the Constitution?

Duty to others. Is the decision I'm going to make as a Member of Congress today in this job, you know, how does is it impact the people that I work for? What are the intended consequences? What are the unintended consequences?

And, frankly, duty to self. Am I prepared to do my best?

Those are values that—I learned those starting when I was age 11.

One of the most important things that probably happened in my life was that I had a foster brother come live with my family at age 11. And when Mom and Dad brought Bob into our home, they had made a promise to him that he could continue in the scouting program—he was a couple years older than I—that he had been attending in a neighboring valley. And, frankly, as a younger brother, I got to tag along. And I'd have to say that was probably one of the most important things that ever happened to me. I'm so thankful for that opportunity, and it has just made just a tremendous difference in my life.

I want to share just from 2009, in terms of the service to the Nation of scouting. What has scouting been?

And just most recently, we're celebrating 100 years. But just this past year, there has been 1,634,715 boys, ages 7 to 10, in Cub Scouts in this Nation. What a number. Amazing.

Of boys 11 to 17, so that would be Boy Scout age or what we call Varsity Scouts, a parallel program, 897,868 boys involved in that program.

And then you go ages 14 to 20. This is the coed program that we have in scouting today. This is young men and young women, ages 14 to 20. They're Adventurers or Sea Scouts; 257,361 of those young folks.

We have over 800,000, almost 850,000 boys and girls in elementary through high school in what's called Learning for Life Character Education programs in this country.

And then finally, over 120,000 young men and women ages 14 to 20 in exploring career-based programs. I think that's an important part of scouting. I've seen that. I still call them boys, but they are adults today that I remember vividly when they were 11 years old, came into my scout room. But today they're grown, they're married, they have children of their own who are actually in scouting, many of them.

And, you know, I saw their career paths take shape through the scouting program, whether it was involved in a high adventure program that we might have done, a camping program, or more than likely through one of the merit badge programs where they learned a specific skill. And as a result of that exposure and that experience in the scouting program, they picked a career path, and it's a passion that they pursued. And, frankly, scouting opened that door for them and so just creates all kinds of great opportunities.

Mr. GOHMERT. Well, to follow up on some of the numbers that my friend, Mr. THOMPSON, was quoting:

Total youth served in the hundred years of scouting here in the United States, 114,304,329; adult volunteers, 33,364,261; total number of merit badges, over 117 million. And those merit badges don't just represent little pieces of fabric with stitching on them.

They represent a great deal of work, skills attained, knowledge attained, things that will help throughout life in the issues that come in the future.

Now, I do feel we need to touch on this briefly because Boy Scouting has been under attack. There have been groups that have been trying to eliminate and have successfully eliminated, like in San Francisco. For years, there have been efforts to restrict scouting from enjoying the parks that other groups might enjoy. There are efforts in Congress on a regular basis to try to hurt the scouting effort. And it all boils down to this one thing about scouting.

Despite the oath that scouts take, the Scout Law, scouting has chosen to stay faithful to religious tenets that man represented as the only full face of all the greatest lawgivers in this room. Every one of them has a side profile except the one in the middle who's considered to be the greatest lawgiver of all time. That's Moses. And one of the laws that Moses said were given to him that he gave was thou shalt not commit adultery. In other words, you shall not have sex, sexual relations, outside the marriage of a man and a woman.

Scouting, through all these years, has chosen to honor that Commandment, honor the Ten Commandments in all it did. And obviously, all sin, all fail, fall short, but scouting, at least, has tried to exemplify the best of humanity that most of us in this country believe come out when we try to live by those Ten Commandments.

So scouting has upheld that they preferred adult leaders who were not open adulterers. And I know, in our society today, so many believe that it's no big deal, there's nothing wrong with it. Adultery is no big deal, regardless of the sexual gender of the people participating. It's just fine.

Boy Scouting has chosen to say, we believe the Commandments given by Moses that he believed and we believe came to him from God are worth observing and trying to follow. Scouting has and, ironically, it has produced such great ire among so many who now want to kill the program because Boy Scouts say, We just believe those Ten Commandments are a good thing, including that one about adultery, not having sexual relations outside of marriage between a man and a woman.

And as a result, there's a number of corporate sponsors who used to give huge sums, six, seven figures even, to the Boy Scouts to assist them, who've chosen to say that because Boy Scouts have persisted in believing that avoiding adultery is a good thing, then they're not going to help the Boy Scouts.

□ 2350

And in the process, they have robbed so many, many minorities, people who would love to be Scouts. And I know in our east Texas area there are so many young minorities without fathers who we've met with and talked with and talked to their moms about starting Scout troops. And they're so excited. And some have started, and it's such a help. And it would be so wonderful if those corporate sponsors were not blaming Scouts for thinking the Ten Commandments were a good thing, and therefore withholding contributions, choosing to give them to groups who think that just blatantly violating the Ten Commandments are the best thing that we could do in America.

So they're giving to those who demean those who think morality is a good thing and in the process hurting so many who could be Eagle Scouts, who could be great Scouts. But the contributions are dropping, and the involvement has been dropping some.

I think that we're seeing things turn in this Nation in such a way that we're going to have a reawakening, we're going to have a great awakening, and people are going to come back to the fact that the real truth is this Nation has been blessed by God because this Nation has lived up to the blessed tenets that God said to live by. And as we return to those—certainly don't want to give up on the progress that this, the greatest Nation in the history of mankind has made. But in the moral area, where we've fallen apart and Boy Scouting has stayed so steadfast, I think we'll see people come back to the basics on morality, and we'll see even greater accomplishments.

And so it should be observed that 50 percent of all the NASA astronauts were Boy Scouts. More than 30 percent of all graduates from the military, Air Force, and naval academies were involved in Scouting in their youth, and five of our Presidents have been Boy Scouts. And even within this Congress, 199 of our current Members once participated in Scouting. And 22 in Congress, are, as my friend G.T. and I, Eagle Scouts. I had somebody try and say I was a former Eagle Scout. But it's kind of like being an Aggie: once you are, you are for the rest of your life.

And so that's why in my district office something wonderful my wife did, I believe it was Father's Day, she had a shadow box, unknown to me, put together with my Eagle award and so many of the things I traded for and had earned during my time in Scouting in that shadow box. And I am so proud of that. That's in my office back in east Texas.

But Scouting has done so much to contribute not merely to making boys far better than they could have been otherwise, but by making this Nation so much greater than it ever would have been without Boy Scouts of America.

I yield to my friend Mr. THOMPSON.

Mr. THOMPSON of Pennsylvania. I thank you for yielding.

I want to take a moment to talk about an important key member of the Scouting team, and that is sponsoring organizations, from all over. Every Scouting unit has a community partner called a sponsoring organization. And they are churches, fire departments, Lions clubs, Rotary, Salvation Army. I mean, there are just an endless list of organizations who step forward. In becoming a partner, they sponsor these Scouting units.

And it seems fitting, as we pay tribute to the 100th anniversary of Scouting, to say ''thank you'' to those community partners. They play such an important role in making sure that the units, the Scouting units have qualified leadership, that they usually provide a place for them to meet, they provide them the support they need to have within the community. So ''thank you'' to certainly our sponsoring organizations within Scouting.

And, finally, just touch on the things that Scouting provides in a real tangible way to our communities, because they are a central part of our community, our Scouting units. It's called the National Good Turn Project. It started in February of 2004, and it began to track all the things that we knew Scouting has done for a hundred years of the amount of hours of community service. I remember washing a lot of fire trucks when I was 11 years old. Only later did I find out my Scoutmaster was fire chief. But that was good training for community service.

And we went on to do litter pickups and do all kinds of community service. Well, we never tracked that prior to 2004. But February 2004 we began to start to keep track. You know, since February 2004 Scouting has provided 8.5 million hours of community service in this country. That's what's documented. I am sure there's stuff that didn't get documented.

And, finally, the Eagle Scout projects this past year totaled just in service what calculates to be $47 million of community service, of providing and reaching out to the community. So I am just real proud to be here this evening to join my good friend and fellow Eagle Scout to pay tribute to the 100th anniversary of Scouting and also to wish a safe and enjoyable and fun Scouting experience at Fort A.P. Hill for the tens of thousands of Scouts that are gathered from all over this Nation just about an hour south of our Capitol. And thank you for being with me tonight.

Mr. GOHMERT. Thank you. I would ask my friend to stay with me one more moment as we have been paying tribute to Boy Scouts of America, the organization, what they've done. I know that as an Eagle Scout, as a Scoutmaster, my friend, Mr. THOMPSON has many Courts of Honor stood and asked all of those Boy Scouts and Eagle Scouts to stand and say the scout oath together. I wondered if my friend might join me, as I yield time to him, as we might conclude tonight.

Mr. THOMPSON of Pennsylvania. I would be honored. I think that's a fitting tribute and way to do that.

Mr. GOHMERT. That's what went through my mind.

Mr. THOMPSON of Pennsylvania. All right. Here we go.

Mr. GOHMERT. On my honor, I will do my best, to do my duty to God and my country, and to obey the Scout Law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight. Two.

Mr. GOHMERT. Mr. Speaker, with that we yield back.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KAGEN) to revise and extend their remarks and include extraneous material:)

Ms. LEE of California, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. BRIGHT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. THOMPSON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. PUTNAM, for 5 minutes, July 29.

Mr. FORTENBERRY, for 5 minutes, today.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4899. An act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 5849. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 27, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 725. To protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes

H.R. 4684. To require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center

H.J. Res. 83. Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes

Lorraine C. Miller, Clerk of the House further reports that on July 28, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 5849. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, July 29, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 2480, the Truth in Fur Labeling Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 2480, THE TRUTH IN FUR LABELING ACT OF 2010, AS AMENDED AND TRANSMITTED TO CBO ON JULY 27, 2010

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact [a]	0	0	0	0	0	0	0	0	0	0	0	0	0

[a] The legislation could increase civil and criminal penalties and thus would affect federal revenues and direct spending: CBO estimates those effects would not be significant in any year.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4658, the Benton MacKaye Cherokee National Forest Land Consolidation Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 4658, THE BENTON MACKAYE CHEROKEE NATIONAL FOREST LAND CONSOLIDATION ACT OF 2010, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON AGRICULTURE, ON JUNE 30, 2010, WITH AN AMENDMENT PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON JULY 28, 2010

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 4658 would authorize the Secretary of Agriculture to sell 67 acres of land in the Cherokee National Forest to the Towee Falls Baptist Church. Proceeds from the sale would be available to the Forest Service, without further appropriation, to acquire other lands within the Cherokee National Forest.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5669, To direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5669, A BILL TO DIRECT THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN FEDERALLY OWNED LAND LOCATED IN STORY COUNTY, IOWA, AS INTRODUCED ON JULY 1, 2010, WITH AN AMENDMENT PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON JULY 28, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact	0	−1	1	0	0	0	0	0	0	0	0	0	0

H.R. 5669 would authorize the Secretary of Agriculture to sell 44 acres of land in Story County, Iowa, to the city of Ames. Proceeds from the sale would be available to the Secretary, without further appropriation, to acquire other lands and to support activities related to the National Animal Disease Center.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5872, the General and Special Risk Insurance Funds Availability Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5872, THE GENERAL SPECIAL RISK INSURANCE FUNDS AVAILABILITY ACT OF 2010, AS INTRODUCED BY THE HOUSE COMMITTEE ON FINANCIAL SERVICES ON JULY 27, 2010, WITH AN AMENDMENT PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON JULY 27, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact [a]	−94	0	0	0	0	0	0	0	0	0	0	−94	−94

[a] This legislation would enable the Federal Housing Administration (FHA) to guarantee up to $20 billion in mortgage loans under its General and Special Risk Insurance program in fiscal year 2010. Under current law, FHA is permitted to insure up to $15 billion in loan guarantees. With this additional loan commitment authority, FHA would make additional loan guarantees and consequently the budget would record additional receipts under procedures in the Federal Credit Reform Act. CBO estimates that enacting this legislation would reduce direct spending by $94 million in 2010. Enacting this legislation would not affect revenues.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8606. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — South American Cactus Moth Regulations; Quarantined Areas [Docket No.: APHIS-2010-0037] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8607. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Notification Requirements for Awards of Single-Source Task or Delivery Orders (DFARS Case 2009-D036) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8608. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Contract Reporting Requirements of Intrastate Natural Gas Companies [Docket No.: RM09-2-000; Order No. 735] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8609. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, ''Report to Congress on Abnormal Occurrences: Fiscal Year [FY] 2009'', pursuant to 42 U.S.C. 5848; to the Committee on Energy and Commerce.

8610. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Commerce Control List to Update and Clarify Crime Control License Requirements [Docket No.: 080721866-0167-02] (RIN: 0694-AE42) received July 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8611. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8612. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the use of the Category Rating System during calendar year 2009, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

8613. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-42; Item XII; Docket 2010-0078; Sequence 2] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8614. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Reedville July 4th Celebration, Cockrell's Creek, Reedville, VA [Docket No.: USCG-2010-0293] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8615. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Shore Thing & Independance Day Fireworks, Chesapeake Bay, Norfolk, VA [Docket No.: USCG-2010-0294] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8616. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks Event, Pagan River, Smithfield, VA [Docket No.: USCG-2010-0454] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8617. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mackinac Island 4th of July Fireworks, Lake Huron, Mackinac Island, MI [Docket NO.: USCG-2010-0497] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8618. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Festivals & Fireworks Celebration, East Moran Bay, Lake Huron, St. Ignace, MI [Docket No.: USCG-2010-0452] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8619. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sault Saint Marie 4th of July Fireworks, St. Mary's River, Sault Saint Marie, MI [Docket No. USCG-2010-0543] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8620. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Stockton Ports Baseball Club/City of Stockton, 4th of July Fireworks Display, Stockton, CA [Docket No.: USCG-2010-0369] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8621. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jameson Beach 4th of July Fireworks Display [Docket No.: USCG-2010-0378] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8622. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Swim Across the Sound, Long Island Sound, Port Jefferson, NY to Captain's Cove Seaport, Bridgeport, CT [Docket No.: USCG-2009-0395] (RIN: 1625-AA08) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8623. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tacoma Freedom Fair Air Show, Commencement Bay, Tacoma, Washington [Docket No.: USCG-2010-0495] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8624. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delta Independence Day Foundation Celebration, Mandeville Island, CA [Docket No.: USCG-2010-0364] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8625. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Private Fireworks, Wilson Creek, Gloucester, VA [Docket No.: USCG-2010-0257] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8626. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; City of Chicago's July 4th Celebration Fireworks, Lake Michigan, Chicago, IL [Docket No.: USCG-2010-0249] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8627. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Pittsburg Independence Day Celebration, Pittsburg, CA [Docket No.: USCG-2010-0366] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8628. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Annual Firework Displays within the Captain of the Port, Puget Sound Area of Responsibility [Docket No.: USCG-2010-0063] (RIN: 1625-AA00) recieved July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8629. A letter from the Attorney, Department of Homeland Security, transmitting

the Department's final rule — Safety Zone; Michigan Orthopaedic Society 50th Anniversary Fireworks, Lake Huron, Mackinac Island, MI [Docket No.: USCG-2010-0436] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8630. A letter from the Secretary, Federal Trade Commission, transmitting the ninth annual report pursuant to the College Scholarship Fraud Prevention Act of 2000; jointly to the Committees on Education and Labor and the Judiciary.

8631. A letter from the Inspector General, Department of Health and Human Services, transmitting a report entitled ''Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2007''; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 4692. A bill to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes; with an amendment (Rept. 111–574, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3534. A bill to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes; with an amendment (Rept. 111–575, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 5781. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; with an amendment (Rept. 111–576). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1568. Resolution providing for consideration of the bill (H.R. 5893) to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes (Rept. 111–577). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1569. Resolution providing for consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes (Rept. 111–578). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Agriculture discharged from further consideration. H.R. 3534 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committee on the Budget discharged from further consideration. H.R. 4692 referred to the committee of the Whole House on the State of the Union, and ordered to be printed.

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. DOGGETT (for himself, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. MCDERMOTT, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 5890. A bill to amend the Internal Revenue Code of 1986 and title XIX of the Social Security Act to reform the provision of long-term care insurance; 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. LINDER:

H.R. 5891. A bill to direct the Bureau of the Census to publish improved annual measures of family income for use in more accurately determining the extent of poverty in the United States and the anti-poverty effectiveness of means-tested benefit and tax programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 5892. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEVIN (for himself, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. PASCRELL, Mr. CROWLEY, Ms. BERKLEY, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Mr. HIGGINS, Mr. GARAMENDI, Mrs. DAHLKEMPER, Mr. KAGEN, Mr. PERRIELLO, Ms. KILROY, Mr. MCMAHON, Mr. KISSELL, and Mr. CARNEY):

H.R. 5893. A bill to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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. POLIS (for himself, Ms. BERKLEY, Mrs. CAPPS, Ms. CLARKE, Mr. CONYERS, Mr. GRIJALVA, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MATSUI, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, and Ms. WOOLSEY):

H.R. 5894. A bill to authorize the Secretary of Education to make grants to promote the education of pregnant and parenting students; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. CONYERS, and Mr. JACKSON of Illinois):

H.R. 5895. A bill to limit the effect of legal releases in certain civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H.R. 5896. A bill to authorize an additional district judgeship for the district of Idaho; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Ms. NORTON, Mr. RAHALL, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. BISHOP of New York, Mr. CARNAHAN, Ms. HIRONO, Mr. ARCURI, Mr. KAGEN, Ms. RICHARDSON, Mr. HARE, and Mr. JOHNSON of Georgia):

H.R. 5897. A bill to reauthorize and improve programs and activities carried out under the Public Works and Economic Development Act of 1965, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER:

H.R. 5898. A bill to amend the Buy American Act to require each department or independent establishment to conduct an annual audit of its contracts for compliance with such Act, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. NUNES (for himself, Mr. RYAN of Wisconsin, Mr. SHIMKUS, Mr. BISHOP of Utah, and Mr. SIMPSON):

H.R. 5899. A bill to expand domestic fossil fuel production, develop more nuclear power, and expand renewable electricity; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Ways and Means, Oversight and Government Reform, Armed Services, and Transportation and Infrastructure, 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. OBERSTAR (for himself, Mr. LEVIN, Mr. MICA, Mr. COSTELLO, and Mr. PETRI):

H.R. 5900. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes; to the Committee on Transportation and Infrastructure, 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. CROWLEY:

H.R. 5901. A bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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 Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BALDWIN, Mr. BRALEY of Iowa, Mr. DELAHUNT, Ms. DELAURO, Ms. EDWARDS of Maryland,

Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Mr. HASTINGS of Florida, Mr. HONDA, Ms. KAPTUR, Mr. LANGEVIN, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. MCDERMOTT, Mr. MICHAUD, Ms. PINGREE of Maine, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SIRES, Ms. SUTTON, Mr. THOMPSON of California, Ms. WOOLSEY, and Mr. WU):

H.R. 5902. A bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON:

H.R. 5903. A bill to restore State sovereignty, and to dedicate excess grant funds to deficit reduction; to the Committee on Oversight and Government Reform, and in addition to the Committee on Appropriations, 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. BUTTERFIELD (for himself, Mr. ETHERIDGE, Mr. JONES, Mr. MCHENRY, Mr. PRICE of North Carolina, Ms. FOXX, Mr. KISSELL, Mr. MILLER of North Carolina, Mr. WATT, Mr. SHULER, Mr. COBLE, Mr. MCINTYRE, and Mrs. MYRICK):

H.R. 5904. A bill to designate the facility of the United States Postal Service located at 204 South Main Street in Seaboard, North Carolina, as the ''Louise Lassiter Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CONNOLLY of Virginia:

H.R. 5905. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for removal costs and damages for which taxpayers are liable under the Oil Pollution Act of 1990; to the Committee on Ways and Means.

By Mr. GOHMERT (for himself, Mr. PENCE, Mrs. LUMMIS, Mr. CONAWAY, Mr. COFFMAN of Colorado, Mr. FRANKS of Arizona, Mr. POSEY, Mr. BARTLETT, and Mr. SHADEGG):

H.R. 5906. A bill to prohibit the expenditure of funds for the construction or lease of buildings or space in the District of Columbia for the United States Government until January 1, 2012; to the Committee on Transportation and Infrastructure.

By Ms. HARMAN (for herself and Mr. SHIMKUS):

H.R. 5907. A bill to require the National Telecommunications and Information Administration to conduct a competition to award grants for the development of nonstationary radio over Internet protocol devices that support mission-critical broadband voice and data communications of public safety personnel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KINGSTON:

H.R. 5908. A bill to authorize the Secretary of the Interior to conduct a special resource study of Point Peter in St. Marys, Georgia, and for other purposes; to the Committee on Natural Resources.

By Mrs. LOWEY:

H.R. 5909. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide assistance to firefighting task forces, and for other purposes; to the Committee on Science and Technology.

By Mrs. LOWEY:

H.R. 5910. A bill to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to issue rules that designate no-fly zones in the vicinity of certain nuclear power plants, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MARKEY of Colorado:

H.R. 5911. A bill to modify the boundary of Rocky Mountain National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. ORTIZ:

H.R. 5912. A bill to designate the facility of the United States Postal Service located at 313 East Main Street in Robstown, Texas, as the ''Lieutenant Juan G. Carrion Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. PAULSEN (for himself and Mr. LANGEVIN):

H.R. 5913. A bill to establish a pilot program for law enforcement agencies to use anonymous texts from citizens to augment their anonymous tip hotlines; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 5914. A bill to repeal the requirements under the United States Housing Act of 1937 for residents of public housing to engage in community service and to complete economic self-sufficiency programs; to the Committee on Financial Services.

By Mr. ROONEY (for himself, Mr. PAUL, Ms. ROS-LEHTINEN, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 5915. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Ways and Means.

By Mr. SALAZAR (for himself, Mr. SIMPSON, Mr. REHBERG, and Ms. MARKEY of Colorado):

H.R. 5916. A bill to establish a methamphetamine prevention campaign grant program; to the Committee on Energy and Commerce.

By Mr. FRANKS of Arizona:

H. Con. Res. 306. Concurrent resolution authorizing the use of the rotunda of the Capitol for the photo exhibition ''Being Untouchable'' and a ceremony in honor of the exhibition; to the Committee on House Administration.

By Mr. HALL of Texas (for himself and Mr. COFFMAN of Colorado):

H. Res. 1565. A resolution expressing support for the designation of the third Thursday of April as ''Rachel's Challenge: A Day of Kindness and Compassion'' in honor of the triumph and hope stemming from the life of Rachel Scott and in memoriam of the Columbine High School tragedy; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself and Mr. COHEN):

H. Res. 1566. A resolution recognizing the 50th anniversary of the Student Nonviolent Coordinating Committee (SNCC) and the pioneering of college students whose determination and nonviolent resistance led to the desegregation of lunch counters and places of public accommodation over a 5-year period; to the Committee on the Judiciary.

By Mr. HONDA (for himself, Mr. FILNER, Mr. FALEOMAVAEGA, Ms. KILPATRICK of Michigan, Mr. COHEN, Mr. ISRAEL, and Mr. TEAGUE):

H. Res. 1567. A resolution welcoming and commending the Government of Japan for extending an official apology to all United States former prisoners of war from the Pacific War and moving forward in planning to invite surviving members to Japan; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

355. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 51 decrying the atrocities taking place in Darfur; to the Committee on Foreign Affairs.

356. Also, a memorial of the Senate of the Commonwealth of the Northern Mariana Islands, relative to Senate Resolution No. 17-20 requesting that the Congress grant the Northern Mariana Islands full voting rights in the U.S. House of Representatives on matters affecting the Northern Mariana Islands; to the Committee on the Judiciary.

357. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Concurrent Resolution 28 rescinding any and all requests by the New Hampshire legislature for a federal constitutional convention; to the Committee on the Judiciary.

358. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Joint Resolution 20 urging the Congress to maintain the crime victims fund; to the Committee on the Judiciary.

359. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 166 calling to task the Obama Administration for its failed leadership on preventing Asian Carp from invading the Great Lakes; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. TONKO, Mr. QUIGLEY, and Ms. WASSERMAN SCHULTZ.

H.R. 205: Mr. SHUSTER.

H.R. 333: Mr. SPACE.

H.R. 413: Mr. STARK and Mr. ORTIZ.

H.R. 442: Mr. KINGSTON.

H.R. 571: Ms. ESHOO.

H.R. 745: Mr. DEUTCH.

H.R. 775: Mr. ENGEL.

H.R. 1021: Mr. HODES.

H.R. 1124: Mr. SIRES, Ms. RICHARDSON, and Ms. WATERS.

H.R. 1230: Mr. HOLDEN.

H.R. 1324: Mr. GARAMENDI.

H.R. 1337: Mr. PALLONE.

H.R. 1347: Mr. LOEBSACK.

H.R. 1507: Ms. NORTON and Mr. PALLONE.

H.R. 1547: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1549: Mr. OBEY and Mr. MCDERMOTT.

H.R. 1712: Mr. CARTER.

H.R. 1765: Mr. HILL.

H.R. 1806: Mr. THOMPSON of California and Mr. CRITZ.

H.R. 1895: Ms. SPEIER.

H.R. 1929: Mr. JONES.

H.R. 1990: Mr. HINCHEY.

H.R. 2000: Mr. LAMBORN, Mr. BUTTERFIELD, Mr. DOYLE, Ms. MARKEY of Colorado, Mr. SCHIFF, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. WEINER, Mr. HOYER, and Mr. MCINTYRE.

H.R. 2016: Mr. DEUTCH.

H.R. 2112: Mr. EHLERS.

H.R. 2267: Mr. CAMPBELL.

H.R. 2296: Mr. LOBIONDO.

H.R. 2378: Mr. GEORGE MILLER of California.

H.R. 2598: Mr. MEEKS of New York.

H.R. 2648: Mr. WU.

H.R. 2811: Ms. CASTOR of Florida.

H.R. 3186: Mr. TONKO.

H.R. 3199: Mr. MCNERNEY.
H.R. 3408: Mr. CRITZ.
H.R. 3412: Mr. TIBERI.
H.R. 3710: Mr. HONDA, Ms. MATSUI, Mr. HALL of New York, and Mr. DEUTCH.
H.R. 3716: Mr. HILL, Mr. SPACE, and Mr. BRALEY of Iowa.
H.R. 3742: Mr. LYNCH and Mr. DELAHUNT.
H.R. 3786: Ms. SHEA-PORTER and Mr. STUPAK.
H.R. 3787: Mr. MILLER of Florida.
H.R. 3839: Mr. RUPPERSBERGER.
H.R. 4116: Mr. LOEBSACK and Mr. HEINRICH.
H.R. 4149: Mr. DEUTCH.
H.R. 4223: Ms. FUDGE.
H.R. 4278: Mr. CANTOR.
H.R. 4306: Mr. GARY G. MILLER of California and Mr. DUNCAN.
H.R. 4383: Mr. HEINRICH.
H.R. 4420: Ms. TSONGAS.
H.R. 4509: Mr. PRICE of North Carolina.
H.R. 4530: Mr. LYNCH and Ms. SCHWARTZ.
H.R. 4554: Mr. CLAY and Mr. DAVIS of Illinois.
H.R. 4689: Ms. HERSETH SANDLIN and Mr. KLEIN of Florida.
H.R. 4693: Mr. REYES and Mr. BRALEY of Iowa.
H.R. 4698: Mr. LOBIONDO.
H.R. 4756: Mr. THOMPSON of Mississippi, Mr. SCOTT of Georgia, Mr. CARSON of Indiana, Mr. ELLISON, Mr. FATTAH, Mr. WATT, Mr. CLAY, Mr. DAVIS of Illinois, Mr. RUSH, and Ms. MOORE of Wisconsin.
H.R. 4785: Mr. SCHOCK.
H.R. 4788: Mrs. LOWEY, Mr. RYAN of Ohio, and Mr. MILLER of North Carolina.
H.R. 4923: Ms. ZOE LOFGREN of California.
H.R. 4951: Mr. WITTMAN.
H.R. 4959: Mrs. CAPPS, Mr. LOBIONDO, and Mr. PLATTS.
H.R. 4960: Mr. BLUNT.
H.R. 4986: Mr. ROHRABACHER, Mr. WAMP, and Mr. CAO.
H.R. 4993: Mr. BOUCHER and Mr. DELAHUNT.
H.R. 5001: Mr. MURPHY of New York and Mr. GRIJALVA.
H.R. 5008: Mrs. DAHLKEMPER.
H.R. 5034: Mr. SESSIONS.
H.R. 5037: Mr. HODES.
H.R. 5040: Mr. HOLT.
H.R. 5041: Mr. DEUTCH.
H.R. 5044: Mr. CONNOLLY of Virginia and Ms. MCCOLLUM.
H.R. 5081: Mr. MCNERNEY and Mr. THORNBERRY.
H.R. 5107: Mr. ORTIZ and Mr. STARK.
H.R. 5111: Mr. BARTON of Texas and Mr. AUSTRIA.
H.R. 5137: Mr. WOLF, Mr. BILIRAKIS, and Mr. DEUTCH.
H.R. 5156: Mr. KLEIN of Florida and Mr. DEUTCH.
H.R. 5240: Ms. CHU and Mr. CLAY.
H.R. 5244: Mr. PRICE of North Carolina.
H.R. 5291: Mrs. DAHLKEMPER.
H.R. 5363: Mrs. DAHLKEMPER.
H.R. 5374: Mr. ALEXANDER.
H.R. 5380: Mr. SABLAN.
H.R. 5434: Mr. ELLISON, Mr. GRIFFITH, Ms. CASTOR of Florida, Mrs. HALVORSON, Mr. SARBANES, Ms. SUTTON, Mr. PETERS, and Ms. MCCOLLUM.
H.R. 5454: Mr. BOSWELL, and Mr. HEINRICH.
H.R. 5456: Mr. RYAN of Ohio.
H.R. 5504: Ms. SLAUGHTER, Mr. ELLISON, and Mr. HEINRICH.
H.R. 5527: Mr. BRALEY of Iowa.
H.R. 5533: Mr. ALEXANDER, and Mr. MICHAUD.
H.R. 5539: Mr. SMITH of Nebraska.
H.R. 5554: Mrs. CAPITO.
H.R. 5575: Mr. ELLISON.
H.R. 5597: Mr. RUPPERSBERGER, Mr. KIND, Ms. TITUS, Mr. DEUTCH, Mr. PAUL, Ms. FUDGE, and Mr. THOMPSON of Mississippi.
H.R. 5599: Mr. ISRAEL, and Mr. BOUSTANY.
H.R. 5612: Mr. WU.
H.R. 5631: Mr. DEUTCH.
H.R. 5637: Ms. SHEA-PORTER.
H.R. 5643: Mr. FILNER, and Mr. SCHRADER.
H.R. 5663: Ms. BERKLEY, Mr. LARSEN of Washington, Ms. MCCOLLUM, and Mr. JACKSON of Illinois.
H.R. 5677: Mr. PUTNAM.
H.R. 5688: Mr. GUTIERREZ.
H.R. 5729: Mr. LAMBORN and Mr. RUPPERSBERGER.
H.R. 5769: Mr. BRIGHT and Mr. MCINTYRE.
H.R. 5778: Mr. SCHOCK, Mr. BLUNT, Mr. HILL, and Mr. SULLIVAN.
H.R. 5806: Mr. GRIJALVA and Mr. BACA.
H.R. 5817: Ms. DELAURO.
H.R. 5842: Mr. PITTS, Mr. PENCE, Mr. LATTA, Mr. BARTLETT, Mr. PRICE of Georgia, Mr. BROWN of South Carolina, Mr. GINGREY of Georgia, Mr. LAMBORN, Mr. ROONEY, Mr. FRANKS of Arizona, Mr. OLSON, and Mr. NEUGEBAUER.
H.R. 5853: Mr. ROE of Tennessee, Mrs. BLACKBURN, Mr. ROGERS of Alabama, Mr. BROUN of Georgia, Mr. AKIN, Mr. GRIFFITH, Mr. POSEY, and Mr. GARY G. MILLER of California.
H.R. 5860: Mr. NEUGEBAUER.
H.R. 5874: Mr. MORAN of Virginia and Mr. CONYERS.
H.R. 5875: Mr. EDWARDS of Texas and Mr. HINOJOSA.
H.R. 5876: Mrs. MCCARTHY of New York.
H.R. 5877: Mr. OLVER, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Ms. TSONGAS, Mr. TIERNEY, Mr. MARKEY of Massachusetts, Mr. LYNCH, and Mr. DELAHUNT.
H.R. 5882: Mr. JORDAN of Ohio, Mr. BARTLETT, Mr. LATTA, Mr. PITTS, Mr. GOHMERT, Mr. HALL of Texas, Mr. LAMBORN, Mr. GARRETT of New Jersey, Mr. BROWN of South Carolina, Mr. ISSA, and Mr. BRADY of Texas.
H. J. Res. 42: Mr. GRAVES of Georgia.
H. J. Res. 94: Mr. GENE GREEN of Texas, Mr. SABLAN, Mr. DELAHUNT, Mr. WITTMAN, Mr. ROSS, Mr. SCOTT of Georgia, Mr. MEEKS of New York, and Mr. SIRES.
H. Con. Res. 274: Mr. BOUCHER and Mr. WALDEN.
H. Con. Res. 291: Mr. SNYDER.
H. Con. Res. 298: Mr. STARK.
H. Res. 111: Mr. TURNER, Mr. RYAN of Wisconsin, and Mr. STUPAK.
H. Res. 771: Mr. KLEIN of Florida.
H. Res. 1191: Mr. TIBERI.
H. Res. 1217: Mr. MCMAHON.
H. Res. 1226: Mr. MILLER of Florida.
H. Res. 1319: Mr. COURTNEY.
H. Res. 1326: Mr. WILSON of South Carolina.
H. Res. 1445: Ms. SHEA-PORTER.
H. Res. 1449: Mr. GARRETT of New Jersey, Mr. LAMBORN, Mr. BILBRAY, Mr. GOHMERT, Mr. HALL of Texas, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. SHADEGG, Mr. PITTS, Mr. HENSARLING, Mr. LATTA, Mr. BRADY of Texas, Mr. BARTLETT, Mr. ISSA, Mrs. BACHMANN, Mr. SCHOCK, and Mr. WHITFIELD.
H. Res. 1476: Mr. HODES, Ms. PINGREE of Maine, Ms. MOORE of Wisconsin, Mr. LARSEN of Washington, and Mr. SHERMAN.
H. Res. 1485: Mr. MCCAUL, Mr. LAMBORN, Mr. HEINRICH, Mr. DAVIS of Illinois, Mr. SNYDER, Mr. PITTS, and Mr. LOEBSACK.
H. Res. 1518: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 1519: Mr. BAIRD.
H. Res. 1522: Mr. GRIFFITH, Mr. TERRY, Mr. DONNELLY of Indiana, Mr. CARNAHAN, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MOORE of Kansas, Mr. SCHOCK, Ms. KOSMAS, Mr. CONNOLLY of Virginia, Ms. LEE of California, Mr. LATOURETTE, Ms. KILPATRICK of Michigan, Mr. COBLE, Mr. YOUNG of Florida, Ms. SHEA-PORTER, Ms. BORDALLO, Mr. BLUNT, Mr. VAN HOLLEN, and Mr. TONKO.
H. Res. 1524: Mr. REYES, Ms. LINDA T. SÁNCHEZ of California, Mr. SABLAN, Mr. SERRANO, Mr. GONZALEZ, Mr. ORTIZ, Mrs. DAVIS of California, Ms. JACKSON LEE of Texas, Mr. STARK, Ms. SUTTON, Mr. POLIS, Ms. RICHARDSON, Mr. RANGEL, Ms. MOORE of Wisconsin, Ms. HIRONO, Mr. JOHNSON of Georgia, Ms. HARMAN, Ms. MATSUI, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mr. HONDA, Mrs. CAPPS, Mr. FILNER, Ms. ZOE LOFGREN of California, and Mrs. NAPOLITANO.
H. Res. 1527: Mr. DENT, Mr. BACA, and Mr. PASTOR of Arizona.
H. Res. 1532: Mr. SHULER and Mr. MORAN of Kansas.
H. Res. 1534: Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, Mr. BARTLETT, Mr. BROWN of South Carolina, and Mr. FRANKS of Arizona.
H. Res. 1546: Mr. MCNERNEY and Mr. HOLT.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GEORGE MILLER of California, or a designee, to H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. SPRATT

The provisions that warranted a referral to the Committee on the Budget, in H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. LEVIN

The provisions that warranted a referral to the Committee on Ways and Means, in H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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. 1548: Mr. SABLAN.

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Our Father, creator and sustainer of our lives, thank You for the gift of freedom. Lord, we are grateful for the religious, political, and social freedoms that bless our lives. Remind our lawmakers to think seriously about the blessings of liberty as they help people to reflect soberly about the cost of protecting our democratic way of life.

Raise up on Capitol Hill people who are true to You and who will follow wherever You lead. As they accept Your guidance, lift their burdens and keep them from being bogged down by trying to carry their problems without Your strength.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

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

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico 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, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first 30 minutes and the majority will control the final 30 minutes.

Following morning business, we will resume consideration of the small business jobs bill. I will continue to work with the Republican leader today on an agreement to consider amendments to the bill. If we are able to reach an agreement, we will have votes on amendments today.

Last night, I filed cloture on the substitute and the underlying bill, two cloture motions. As a result, the filing deadline for germane first-degree amendments is at 1 p.m. today.

Senators will be notified when an agreement is reached and votes are scheduled.

MEASURE PLACED ON THE CALENDAR—S. 3657

Mr. REID. Mr. President, S. 3657 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for a second time.

The assistant legislative clerk read as follows:

A bill (S. 3657) to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

Mr. REID. I object to any further proceedings on this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. Would the Chair announce morning business.

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 for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

RESERVATION OF LEADER TIME

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

The Senator from Nebraska is recognized.

PAPERWORK MANDATE ELIMINATION ACT AMENDMENT

Mr. JOHANNS. Mr. President, I rise to talk about small businesses. I think we all know and recognize—certainly they do—that small businesses and businesses in general face a mountain of paperwork to comply with a whole host of regulations, most notably our very complex tax laws. Instead of trying to aid that, now Washington is increasing that paperwork mountain through a new 1099 mandate found in, of all places, the new health care bill. This mandate has absolutely nothing—absolutely nothing—to do with improving health care of this country, and it

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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should not be a part of that law or any other law, for that matter. Thus, I am offering an amendment to repeal this mandate.

The amendment says no to piles of unnecessary paperwork which the IRS itself admits is going to be virtually useless. Any taxpayer with business income will be required to issue 1099 forms to all vendors from whom they buy more than $600 of goods or services in any year. So now the most routine business expenses will be subject to this new burdensome paper trail.

Let me give my colleagues some examples. A laundromat that buys soap each week would now have to issue a 1099 to their supplier and the IRS at the end of the year. A landscaper who buys lawn fertilizer a couple of times a month will now be forced to issue 1099s to the companies they do business with, and no one is excluded. The law applies equally to businesses and churches and charities and even State and local governments.

A recent cnnmoney.com article suggests that the cost of the new paper trail could literally swamp small companies. One small business organization conducted a survey and found that their members currently average about 10 1099 filings per year. The new rules would push that average to more than 200 filings—200 filings—per year, an almost 2,000-percent increase. Of course, their costs for that would skyrocket.

According to the National Federation of Independent Business:

> At $74 per hour, tax paperwork is the most expensive paperwork burden placed on small businesses by the Federal Government.

Small businesses have been hit so hard by this recession, they just simply cannot afford this new burden. We need to give them a break. They are imploring us to do something to help them.

According to the National Taxpayer Advocate, which is part of the IRS, this provision will affect—get this—40 million businesses in the United States, including 26 million of our very smallest businesses, our sole proprietorships.

Americans are desperately searching for jobs. They want to work. These businesses should be focused on growing, not be wasting their resources on unnecessary paperwork that the government won't even utilize.

The amendment I introduced is clear. It simply repeals the section of the law requiring the extra paperwork. I might add, it is paid for. It identifies two areas within the health care law to fully offset the repeal of this mandate. First, by lowering the affordability exemption from the new individual mandate from 8 percent to 5 percent, fewer individuals will be subject to the individual mandate.

The new health care individual mandate infringes on individual freedoms of Americans and, in my view, it has constitutional problems. People who did not want to buy government-approved insurance in the first place are compelled to buy it under the new law. Thus, exempting more people, especially the poorest among us, from this absolutely ill-advised mandate is a good thing. These folks may be living paycheck to paycheck and requiring one more thing to come out of that paycheck instead of making the mortgage payment or buying the groceries is not right. Thus, allowing more people to decide for themselves whether they buy health insurance when they look at all their other obligations is a positive.

Let's be clear. My amendment does not restrict these individuals from buying health insurance or signing up for government subsidies. My amendment simply says, if they don't want to, they don't have to.

Second, the new health care law establishes a $15 billion, what I would regard as a slush fund for a long list of potential uses by the Obama administration, including the Community Transformation Grants Program. I generally support wellness programs. I believe in wellness. Who doesn't believe in wellness? However, concern has been raised that this fund will be used for a number of purchases that aren't specifically related to healthy outcomes. Thus, my amendment proposes that this fund not be allocated resources until 2018 to help offset removing this 1099 provision. It decreases the amount in this $15 billion fund; it doesn't eliminate it, but it does give us time to get it right. Besides, this delay gives us more time to ensure that only worthy projects utilize taxpayer money. These outlined pay-fors will cover any government revenue that might be lost by this ill-advised 1099 provision. With record deficits, we must be accountable for tax dollars, so this amendment is fully offset.

Small businesses generate 64 percent of our job growth in this country. We need them. We need them to move us toward economic recovery. Let's send a message that we want them to focus their time and money on hiring workers, on expanding our economy, not filling out unnecessary paperwork that even the IRS acknowledges is so overwhelming it will not be utilized.

My hope is, we will get a vote on this amendment later today, and I ask my colleagues to stand for small businesses, to stand by them, and to send the message to them that we want them creating jobs. I ask my colleagues to support this very commonsense amendment.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I am going to proceed in my leader time.

The ACTING PRESIDENT pro tempore. The leader has that right.

DEFLECTING ATTENTION

Mr. MCCONNELL. The small business bill we are now considering has an interesting history, and given the President's recent statements on the bill, it is worth recounting that history.

Remember, we got on this bill in June. But then Democrats took us off of it to move to financial regulation. Then last week, they took us off of it again to move to the DISCLOSE Act.

So if the President wants to criticize somebody about slowing this bill down, he simply has the wrong party. He needs to direct his criticism at Democrats, not Republicans.

The fact is Democrats had other priorities. They thought it was more important to impose job-killing regulations on the financial industry and give even more authority to the kinds of regulators who missed the last financial crisis.

They also thought it was more important to shut up their critics ahead of the fall elections by pushing a bill that amounted to an all-out assault on free speech.

These are the things Democrats have been doing instead of the small business bill. Yet the President continues to claim that somehow Republicans are the problem. Well, it is obvious what they are doing: They want to deflect attention away from the fact that trillions of dollars in government spending and debt has failed.

Spending, debt, regulations, more government—none of it has worked. Now they want to raise taxes on the very small businesses that are trying so desperately to create jobs.

It is time to change course and to do something that will create lasting private sector jobs and get us moving in the right direction.

Democrats can try to deflect attention away from their failed policies all they want, but the consequences of their actions are obvious to the American people.

It is time to put aside the liberal wish list and allow America's small business men and women to do something that has a chance of reviving this economy. Spending, debt, and tax hikes are the last things we need.

Republicans have offered a number of ideas to improve the small business bill and, until now, those amendments have been obstructed by the other side and, along with them, the bill itself.

I am encouraged to see that the majority has changed its mind and now seems committed to staying on this bill, allowing votes on Republican better ideas, and working with us on something other than raising taxes, growing the debt, or burying job creators in a sea of new regulation.

ENERGY

Mr. President, it is perfectly obvious that Democrats are doing their best to keep us from passing a serious energy bill before the August recess.

Later today, we expect the majority leader to offer the Democratic alternative to the oilspill response that the Republicans proposed last week.

This is not a serious exercise. All indications are that they don't intend to have a real debate about one of the most important issues we face. Anybody who has been here for any period of time knows that energy bills take at least a couple of weeks. So it doesn't appear there is either the time or the willingness on the other side to debate this critical issue.

We would have liked to have had a debate on ideas we have already offered. Our energy bill would give the President the ability to raise the liability caps on economic damages done by companies such as BP, without driving small independent oil producers out of business.

It would lift the administration's job-killing moratorium on offshore drilling as soon as new safety standards are met—a moratorium that one senior Gulf State Democrat says could cost more jobs than the oilspill itself. How can you have a serious energy debate without addressing a problem that a leading Gulf State Democrat said is costing more jobs than the oilspill itself?

Our bill has a true bipartisan commission—with subpoena power—to investigate the oilspill, rather than the President's antidrilling commission.

Importantly, it also takes good ideas from Democrats, including Senator BINGAMAN's idea for much needed reform at MMS. Surely, we can all agree that this administration's oversight at MMS is in need of major reform.

Our bill includes revenue sharing for coastal States that allow offshore drilling to help them prepare for and deal with disasters such as the one we have right now in the gulf.

We have our own ideas, we have some of their ideas, and our bill doesn't kill jobs; it doesn't put a moratorium on production.

We are not interested in yet another debate about a Democratic bill in which the prerequisite is killing more jobs.

Our bill would address this crisis at hand. Their bill would use the crisis to stifle business and kill jobs in a region that is in desperate need of jobs.

It was my hope we could have a real debate about energy. Clearly, the majority—at least so far—isn't interested in that debate.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ENERGY REGULATIONS

Ms. MURKOWSKI. Mr. President, it has now been 99 days since the Deepwater Horizon drill rig caught fire and sank to the ocean floor. That incident—and the millions of barrels of oil that have spilled into the Gulf of Mexico since it began—has made it absolutely clear that our Nation's offshore energy regulations need to be reformed. Even in a Congress as deeply and bitterly divided as this one, the fact that we are living through a terrible environmental disaster, caused at least in part by certain failures of the government, should be more than enough for us to work in good faith and reach consensus on a path forward.

For the past 3 months, that is exactly what the members of the Energy Committee have sought to develop. We have been working toward a responsible path that is acceptable to all—or at least most—of the Members of the Senate. We started by holding four major hearings on the gulf spill. This allowed us to build a record within the committee on everything from blowout preventers to certificates of financial responsibility. Our committee worked very hard on this. We spent countless hours working on legislation to repair the failed offshore regulatory system. We concluded our efforts last month, after all these series of hearings, and we unanimously passed legislation, S. 3516, the OCS Reform Act, out of committee unanimously. Around here nowadays, sometimes it is tough to get not only that real good committee work product but then to see that move through committee unanimously. It is not easy, and it is certainly not a perfect bill, but it was a fair and open process. I would like to think that our hard work within the committee and the negotiating that went on, and our very open markup and amendment process—what we did was the best of the Senate. It was an open and fair and a deliberative process. You would think that would go somewhere. But once that bill left committee, it became clear that some people cannot take yes for an answer, and that good committee product was not going to be advanced.

About the time we were marking up the MMS bill, we witnessed a deeply misguided effort to tie oilspill legislation to cap and trade. I think this was an attempt to literally convert one disaster into another. We were told that cap and trade was somehow or other going to end our dependence on oil and hold polluters accountable and prevent future spills. Then an analysis of cap and trade from the EPA itself showed that cap and trade would have almost no effect on our Nation's oil consumption—not now and not over the course of the next 40 years. After nearly 19 months of vote counting, I think the majority was forced to admit the obvious: There are not 50 votes, let alone 60, for cap and trade in the Senate.

What we now have before us is this coming together, or slapping together, of the Clean Energy Jobs and Oil Company Accountability Act—the bill that members of the press and the lobbyists received before my staff on the Energy Committee. A draft came out last night around 10 o'clock. I am told it will be officially introduced sometime this morning.

Again, this is such a disappointment. Instead of an open and transparent process as we did through our committee, what should and what could have been a bipartisan bill was hashed out in secret, written behind closed doors with very few Members of the Senate, least of all Members from the Gulf States, allowed to provide any level of input.

Since its 409 pages of text were released late last night, we have not had time to thoroughly review it, to develop amendments, negotiate improvements, or even decide if it is worth supporting yet. We have instead been told the majority leader is unlikely to allow amendments to be considered—unlikely to allow any amendments to this just-cobbled-together bill.

I can only imagine it is because there are provisions that are contained in this bill to which he does not want to draw attention, much less talk about and vote on. The phrase, ''rush to judgment,'' is used a lot around here. I challenge my colleagues to find a more flagrant example of that than what we have in front of us with this bill.

We talk around here about why Congress's approval ratings are as low as they are. We are at about 11 percent right now. It is bills such as this—when people look at this and say, How did this come about, what happened to the committee bill—that makes cynics out of all of us, especially when we know there is a very serious problem that demands a quick and robust policy response.

Instead of working together to fix the problems, the majority leader's bill would undoubtedly create more problems. The Senate's process and our traditions have just been left in the ditch. Decisions have been made almost exclusively in secret behind closed doors. Republicans were shut out of the room. But, of course, we are going to be blamed for holding up the bill.

One has to ask the question, Does anyone honestly believe that we in the Senate can pass something by Friday or perhaps early next week that we did not even see the light of day on until this morning?

I suggest that from every procedural vantage point, it seems as if the majority's goal has been to drive a stake into the heart of anything that can attract Republican support. The staging of this bill has been choreographed to ensure partisan opposition so the majority can blame us for the problems they are making even worse, such as the job losses from the moratorium, the increase in reliance on foreign oil—which, of course, we know is coming—the injustice of Federal OCS revenues never reaching coastal States such as in Alaska and the gulf where they derive in the first place.

The Democratic caucus can try to pass this bill as introduced without

amendment and with almost no debate, but I suggest this will be nothing more than a Pyrrhic victory. Like the stimulus, like health care, like financial reforms, it will give folks something to talk about, but it will only worsen the problems it is meant to deal with.

Unfortunately, it will come at the expense of a far better bill, a bill that was introduced last week by the Republican leadership team. Let me talk a couple minutes about the bill that has been introduced.

It starts at the root of the problem—the already apparent shortcomings with offshore regulations and at the Minerals Management Service, MMS. It includes the OCS Reform Act that we moved through our committee, reported unanimously by all 23 members of the Senate Energy Committee. Permitting and best available commercial technology requirements are strengthened to enhance the safety and the integrity of offshore operations. We also codify a complete reorganization of MMS. We remove the President's offshore moratorium once new safety requirements have been met. We establish strict liability limits for each project based on a range of risk factors. There is a series of 13 different risk factors that would be relevant. We include a bipartisan commission to investigate what went wrong with Deepwater Horizon. And, finally, we right a longstanding wrong by returning a large share of production revenues to the coastal States.

It has been suggested in one of the Hill publications this morning—a Democratic staffer is quoted as saying this Republican package was hastily thrown together. I remind that Democratic staffer or others who are looking at this that almost all of what is contained in this Republican package was introduced 1 month ago today, as a matter of fact, in an oilspill compensation act I introduced. We include that with the component pieces of the OCS Reform Act that was passed unanimously by the committee. To suggest this has been somehow hastily cobbled together, one needs to go back and look at the fact that it has been out there for public review and scrutiny now for almost 1 month.

As much as I will push back against the decision to race to finish this bill, we must—we absolutely must—have more debate on these issues. The majority, with very commanding numbers in both Houses and control of the White House, may want to try to somehow blame Republicans for the thousands of lost jobs from Alabama to our State of Alaska as well as the administration's failure to protect and restore the gulf's offshore environment. But that strategy will fail.

We are offering a more responsible and dramatically less costly piece of legislation that truly deserves to be considered and passed by the full Senate.

I wish the majority would take that same path instead of deciding, judging from the development of the bill and its actual content, that it is time we give up on policy for the year and focus instead on just messaging.

We need to look at the terrible toll we all know is taking place as a result of the Deepwater Horizon spill, the obvious failure of our offshore regulatory system, and of the growing economic consequences of the administration's offshore moratorium.

It is absolutely crystal clear there is action that needs to be taken. There is policy that needs to be put in place to respond to the oilspill, the environmental devastation, the economic devastation, and the regulatory confusion that was in place. It is not time for the politics or partisan activities. It is not time to roll the dice with our Nation's energy policy. For the continued vitality of an entire region in the United States, it is imperative that we move beyond the message and we provide the policy and the legislative response that is so necessary and so needed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TELEVISING SUPREME COURT PROCEEDINGS

Mr. SPECTER. Mr. President, I have sought recognition to address the subject of televising the Supreme Court of the United States. Legislation is pending on the Senate docket which was voted out of the Judiciary Committee by a vote of 13 to 6, and it is particularly appropriate to consider this issue at a time when we are examining the nomination of Solicitor General Elena Kagan for the Supreme Court.

We have seen, in a series of nomination proceedings, the grave difficulties of getting answers from nominees as to their philosophy or ideology, and that is particularly important when the Supreme Court has become an ideological battleground. There is a great deal of lip service to the proposition that the courts interpret the Constitution and interpret legislation as opposed to making law, but the reality is that on the cutting edge of the decisions made by the Supreme Court, the decisions are based on ideology. Therefore, for the Senate to discharge its constitutional duty on advise and consent—on the consent facet, to have an idea of where nominees stand—there is an adjunct to that consideration; that is, to find a way to have the nominees follow the testimony they give.

We have found that in notable cases—the most recent of which is Citizens United—two of the Justices made a 180 degree about-face. Both Chief Justice Roberts and Justice Alito testified extensively about reliance upon Congress for factfinding under the obvious proposition that Congress has the ability to hear witnesses and make factual determinations. Chief Justice Roberts was explicit in his testimony that when the Court takes over the factfinding function, that it is legislation which is coming from the Court decisions.

Similarly, those two Justices were emphatic on their view of stare decisis, and there was a 180-degree about-face in Citizens United on precedent which lasted for 100 years, and now corporations may engage in political advertising. So the issue is one of trying to deal with some level of accountability.

The principle of judicial independence is the bulwark of our Republic. It is the rule of law which distinguishes the United States from most of the other countries of the world. The independence of the judiciary is assured by the fact they serve for life or good behavior. The suggestion that the Court be televised is in no way an infringement upon judicial independence.

We are not suggesting how the Justices should decide cases, we are saying to the Justices that the public ought to know what is going on. Recent public opinion polls show that 63 percent of the American people favor televising the Supreme Court. When the other 37 percent was informed that the Supreme Court Chamber only holds a couple hundred people and that when someone arrives there they can only stay for 3 minutes, that number in favor of televising the Court rose to 85 percent.

The highest tribunal in Great Britain is televised. The highest tribunal in Canada is televised. Many State supreme courts are televised. The press—the print media have an absolute right to be present in the proceedings under Supreme Court decision. So why not the Supreme Court?

This comes into sharp focus on the factor that there has been an erosion of congressional authority by what the Supreme Court has done. In the course of the past two decades—really, 15 years—the Congress has lost a considerable amount of its authority—some taken by the Court and some taken by the executive branch. The Court has taken greater authority.

In 1995, with the decision of United States v. Lopez, on the issue of caring guns into a school yard, for 60 years there had been no challenge to the authority of Congress under the commerce clause. That followed the legislation declared invalid under the New Deal of Franklin Roosevelt in the 1930s and led to the move to pack the Court. But since that time, the commerce clause has been respected.

The case of United States v. Morrison, involving legislation protecting women against violence, was another case diminishing the power of Congress. In a 5-to-4 decision, the Supreme Court declared that act unconstitutional because of Congress's ''method of reasoning.'' One may wonder what

the method of reasoning is in the Supreme Court Chamber, a short distance beyond the pillars of the Senate. What happens when a nominee leaves the confirmation proceedings and walks across Constitution Avenue? Do they have some different method of reasoning?

The fact is, there has been a reduction in the authority of the Congress. The Court has further taken authority from the Congress in a series of decisions interpreting the Americans with Disabilities Act. Two cases—Alabama v. Garrett and Tennessee v. Lane—came to opposite results with 5-to-4 decisions. In the case of Tennessee v. Lane, the Americans with Disabilities Act was upheld when a paraplegic sued because he couldn't gain access to a courtroom because there was no elevator. With a shift in the vote of Justice Sandra Day O'Connor in Alabama v. Garrett, the section of the Americans with Disabilities Act was declared unconstitutional dealing with employment.

In the case of Alabama v. Garrett, the Court applied a test called congruence and proportionality. Up until the case of City of Boerne in 1997, the standard had been a rational basis. But a new standard was articulated—congruence and proportionality—which is impossible to understand.

Justice Scalia correctly asserted that it was a ''flabby test,'' designed to give the court flexibility to engage in judicial legislation.

When nominee Elena Kagan was asked which standard she would apply, the rational basis test or the congruence and proportionality test, she declined to answer. That certainly fell within the ambit of Ms. Kagan's now famous 1995 Law Review article, where she chastised Justice Ginsburg and Justice Breyer for stonewalling in their nomination hearings, and also the Senate for not getting information to help in discharging our duty to consent to Supreme Court nominations.

One approach with television would be to hold some level of accountability when the public understands what is going on. Louis Brandeis, before he came to the Supreme Court, in a famous article in 1913 advocated that the sunlight was the best disinfectant and publicity was to deal with social ills. Stuart Taylor, noted commentator on the Supreme Court, said the only way to have the Court stop taking away power from the Congress and from the executive branch is by infuriating the public.

To infuriate the public, the public has to be informed, and television would be a significant step forward.

FOREIGN TRAVEL

Mr. SPECTER. It has been my custom to make a report to the Congress and my constituents and the general public when I return from a trip, which I did on July 11, having started on July 3, and having visited the Czech Republic, Israel, Syria, and Croatia. I will ask at the conclusion of my comments the full text of my prepared statement be printed in the RECORD.

A few supplementary comments about my visits to Israel and Syria: The Mideast peace process is of enormous importance, not only to that region but to U.S. national security interests and to the interest of peace in the world. The Palestinian track seems to be stuck with the controversies over the neighborhoods, also referred to as the settlements. But the administration is hard at work through special envoy former Senator George Mitchell moving ahead on that line.

I believe the time is ripe now for movement on the Israel-Syria track. I say that based on the conversations I had with Israeli and Syrian officials. I was invited to come to Damascus. I have been to Syria on many occasions in the past, starting in 1984. I have been there some 19 times. This was the first time that I received a specific invitation from President Bashar al-Assad to come there. I believe that is an indication, which President Assad is very open about, of his interest in having peace talks with Israel without preconditions.

He immediately follows that with a statement that Syria has a right to the Golan Heights. But it is no surprise that this is being asserted from the Syrian point of view.

Only Israel should decide for itself whether it wishes to trade the Golan for other national security interests, for concerns about Hezbollah and Hamas and the link with Iran—whatever effect there may be with the Iranian-Syrian relationship and the stabilization of Lebanon. But it is a different world today than it was in 1967 in an era of rockets, so the security interests are very different.

The Israelis and the Syrians came very close to a peace agreement in 1995 and again in the year 2000. Turkey had been brokering talks between Israel and Syria, but the Turkish envoys have withdrawn after the so-called flotilla incident, asking Israel for an apology. Since none is forthcoming, the Turks are not brokering that issue. So it seems to me with the role the United States played, the very active role of former President Clinton—with U.S. participation I believe the prospects are good and there could be a treaty there.

Israel has significant potential gains—to stop the shelling by Hamas from the south and the threat and potential shelling from Hezbollah from the north, and also the relationship between Syria and Iran. President Assad said to me that Iran supports Syria, but Syria does not support Iran. With the recent action by Syria in changing the veiling requirement, it is an indication that Syria is pursuing being a secular state with significant differences from the practices in Iran. If it should become the national interest of Syria to side with the West, that is a potential which ought to be explored. It is not going to happen overnight, but it is something worth thinking about and worth considering.

I now ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

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

Mr. President—As is my custom, when I return from foreign travel, I file a report with the Senate.

From July 3 to July 11, 2010, I traveled to the Czech Republic, Israel, Syria, and Croatia.

CZECH REPUBLIC

I arrived in Prague on Sunday, July 4, 2010 after having departed Washington, D.C. on Saturday with a brief overnight stay in England. This was my first trip to Prague since Czechoslovakia peacefully split into the Czech Republic and Slovakia in 1993. The evening of my arrival in Prague, I dined with U.S. Ambassador John Ordway, who is serving as the Chargé d'Affaires of the U.S. Embassy in Prague while the Senate considers the nomination of Norman Eisen to be U.S. Ambassador to the Czech Republic. One of the issues we discussed was his belief in the importance of congressional travel. In addition to raising Members of Congress' understanding of world affairs, it provides embassy staff with opportunities to raise issues of importance with foreign leaders at higher levels than normally possible. Along these lines, I was asked to voice my support to Czech officials for the efforts of Westinghouse—a Pittsburgh-based company—to build a nuclear power plant in the Czech Republic.

The Westinghouse facility would provide 9,000 American jobs, create $18 billion in U.S. exports, and would allow the Czech Republic to reduce its reliance on Russia as an energy provider. Russia currently provides the Czech Republic with 70 percent of its natural gas, 60 percent of its petroleum, and 30 percent of its nuclear power.

The following morning I met with Ambassador Ordway and some of his deputies for a country team briefing. One of the issues we discussed was the newly-elected Czech Parliament's plan to balance the national budget by 2013 through cuts in expenditures and increased indirect taxes. Additionally, we discussed the Czech Republic's presence in Iraq and Afghanistan. Approximately 535 Czech soldiers are currently serving in Afghanistan, and it was the sense of the embassy staff that public sentiment regarding the mission could change following the recent deaths of 3 Czech servicemen.

Following the meeting at the Embassy, Ambassador Ordway and I proceeded to a meeting with Czech President Vaclav Klaus. I thanked the President for his country's contribution to the military efforts in Iraq and Afghanistan, and he expressed the belief that while the missions were not popular in the court of world opinion, something had to be done and the world could not afford to standby.

I raised the issue of the prospects of forming lasting democratic institutions in Iraq and Afghanistan. He expressed the view that he thought democracy would come to Iraq, but was unsure when. He expressed doubts as to whether it could ever take hold in Afghanistan.

I urged President Klaus to support Westinghouse's nuclear bid and he said that he has been impressed with Westinghouse products since his days as Prime Minister, but added that the decision would be made by others in the Czech government.

Knowing President Klaus to be a former economics professor, I raised the issue of China's unfair subsidization of its steel industry—something I have fought against and argued before the International Trade Commission on a number of occasions—which leads to an unlevel playing field for U.S. and Czech companies alike. President Klaus shared my frustration with such practices, but he disagreed when I suggested the implementation of countervailing duties. It was his sense that democratic reform in China would be the greatest driver for improvements in trade practices, although he could not suggest a timeline for such reform.

I inquired with President Klaus his views of Iran and what could be done there. While he did not have a direct answer, he shared a very interesting story about an encounter he had with Russian Prime Minister Putin and Russian President Medvedev. He explained that during a conference the three had attended, both Putin and Medvedev expressed great concern over the situation in Iran, because of Iran's efforts to develop a nuclear weapon.

We also discussed efforts to create a lasting Mideast peace, strategies for dealing with North Korea, and climate change. With regard to the last issue, knowing me to be concerned with current changes to the global climate, President Klaus provided me with a copy of his book ''Blue Planet in Green Shackles,'' in which he expresses his skepticism with regard to man's impact on the warming of our planet.

ISRAEL

We spent most of July 6 traveling to Israel from the Czech Republic. This was my 27th visit to Israel in my capacity as a Senator. The following day, I had a series of meetings with Palestinian Liberation Organization negotiator Dr. Saeb Erekat, Palestinian Authority Prime Minister Salam Fayyad, Israeli Opposition Leader Tzipi Livni, Israeli President Simon Peres, and finally had a dinner meeting with Israeli Deputy Foreign Minister Danny Ayalon.

My first meeting of the day was with Dr. Saeb Erekat in Ramallah, someone I have gotten to know very well over the past 15 years. We opened the meeting with a discussion about the prospects for peace. Dr. Erekat immediately said that peace was obtainable—very much in reach—and the next move lay in the hands of Israeli Prime Minister Benjamin Netanyahu. I mentioned that I would be meeting with Israeli President Peres later that day and Syrian President Assad the following day. Erekat told me to speak to Israel about using Turkey to resume the indirect talks between Israel and Syria. According to him, it was both his and President Abbas's position that it was in the Palestinians' interest for Syria and Israel to resume talks and that the current tension between Israel and Turkey benefitted no party.

That afternoon I remained in Ramallah to meet with Palestinian Authority Prime Minister Salam Fayyad. He said he is focusing on growing the economy in order to undercut peoples' reliance on Hamas for basic needs. Prime Minister Fayyad was optimistic that the Palestinian Authority can regain control of the government from Hamas in the upcoming elections.

I raised the issue of Israel's talks through Turkey with Syria. Prime Minister Fayyad was skeptical of the utility of this track, and indicated his belief that the best course forward is to formulate a joint public document outlining the key issues which need to be resolved to make peace. He also discussed his belief that concerted U.S. involvement could greatly improve the chances of success.

I asked the Prime Minister if there were other ways the U.S. could be helpful and he explained that much of the progress on moving the economy and infrastructure has come from USAID, including more than $2.9 billion since 1994 for programs in the areas of water, sanitation, infrastructure, education, health care, economic growth and democracy.

After meeting with Prime Minister Fayyad, we returned to Jerusalem where I met with Israeli Opposition Party Leader Tzipi Livni. We opened the discussions talking about Israel's indirect talks with Syria through Turkey. She indicated her belief that an agreement was ''feasible''.

I proceeded to ask her about Prime Minister Fayyad's assertion that there will be no peace between Israel and the Palestinians until the Palestinians are united. In her view talks between Israeli and Palestinians could proceed, and when an agreement is reached it could be presented to Hamas—where they would be given a choice work together or be seen as an obstructionist minority.

That evening I joined Deputy Minister of Foreign Affairs Daniel Ayalon for dinner. We became friends when he served as Israel's ambassador to the United States. I opened the discussion by expressing Dr. Erekat's position that if Prime Minister Netanyahu were serious about peace, a deal could be made. Ayalon responded by stating that peace was on the table in November of 2008 and was rejected by the Palestinians.

During my meeting with Dr. Erekat, he mentioned a situation where Minister of Foreign Affairs Avigdor Lieberman would not shake his hand, so I raised the issue with Deputy Foreign Minister Ayalon. He denied the account and referred to Lieberman's oft-quoted remark that he would give his own house for peace with the Palestinians.

Before concluding dinner, Ayalon asked me to return with two messages to the U.S. The first was to pass a request shorten the life sentence for Jonathan Pollard, a former civilian intelligence analyst who was convicted of spying for Israel. The second was to express appreciation for the funds stemming from the United States-Israel Energy Cooperation Act of 2007, which authorizes grants to encourage collaboration between the U.S. and Israel in the research, development, and commercialization of renewable energy and energy efficiency technologies. The $4 million appropriated to date by Congress for this program has been matched 100 percent by the Israeli Government. Funding has gone to support eight collaborative projects between Israelis and American universities and private companies, including a company based in Bala Cynwyd, Pennsylvania. With this funding Israel hopes to reduce its oil dependence by 50 percent.

SYRIA

The next morning we flew to Syria—my 19th trip to the country—via Jordan to meet with President Bashar al-Assad. I have gotten to know President Bashar al-Assad well over the past decade, just as I knew his father, Hafez al-Assad. I opened my meeting with President Assad by expressing regret that the U.S. Senate had not acted to confirm Robert Ford to be the Ambassador to Syria, in addition to ambassadors to other important countries and international bodies. President Assad replied that he was very pleased by President Obama's signal that he wanted an American ambassador in Damascus.

I continued the conversation by recounting a discussion I had recently with Syria's Ambassador to the United States, Imad Moustapha, in which we discussed the opportunity to restart talks between Israel and Syria. President Assad expressed great openness to resuming the talks with Turkey as the broker.

I pressed Assad on Syria's alleged sale of Scud missiles to Hezbollah and his support for Hamas and Hezbollah. He asked for proof on the missile issue and denied the charge. He said that once there was a Syria-Israeli peace agreement there would no longer be a reason for any concern about missiles. Hezbollah or Hamas.

In discussing Iran, President Assad suggested the U.S. work to improve its relationship with Iran by further pursuing diplomatic engagement.

As I have done in previous conversations with President Assad, I expressed my desire that he allow forensic teams into his country on the missing Israeli soldiers issue. I also raised again my request that the remains of Eli Cohen be returned to Israel—or, at a bare minimum, allow a kaddish to be said over his remains by his widow and a rabbi. He said those matters would have to await a Syria-Israeli peace treaty.

Finally, at the urging of the Charge, I asked that recent changes to Syrian visa regulations—which seem to target Americans—be reversed in light of the fact that the U.S. has reduced visa wait periods for Syrians and lifted the Travel Warning for Syria. President Assad said he would look into this situation.

CROATIA

On Friday, July 9, 2010 I flew to Dubrovnik, Croatia where I met with U.S. Ambassador Jim Foley. During our meeting Ambassador Foley underscored Croatia's strong support of the U.S. and cited its commitment of 300 soldiers to the mission in Afghanistan. The Ambassador expressed his support for Croatia's desire to enter the European Union so as to strengthen the economy and provide incentives for governmental reform. I inquired about the status of the Serbian fugitives responsible for the Srebrenica Massacre and the Ambassador assured me everything was being done to bring those men to justice. While we were in Croatia, there was a summit of regional leaders being held in the city.

The next morning I met with Croatian Foreign Minister Gordan Jandroković before the Croatian summit. I expressed my appreciation for Croatia's efforts in Afghanistan and my support for Croatia's desire to enter the E.U. He indicated in response that Croatia plans to expand its troop commitment in Afghanistan by five percent to 320. We also discussed efforts to improve relations between Kosovo and Serbia so as to improve regional security.

We returned to the United States on Sunday, July 11, following an overnight layover in France.

Mr. SPECTER. In the absence of any other Senator on the floor seeking recognition, 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. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BAUCUS. Mr. President, I ask the time be yielded back so we can proceed.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SMALL BUSINESS LENDING FUND ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5297, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus/Landrieu) amendment No. 4519, in the nature of a substitute.

Reid amendment No. 4520 (to amendment No. 4519), to change the enactment date.

Reid amendment No. 4521 (to amendment No. 4520), of a perfecting nature.

Reid amendment No. 4522 (to the language proposed to be stricken by amendment No. 4519), to change the enactment date.

Reid amendment No. 4523 (to amendment No. 4522), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 4524 (the instructions on the motion to commit), to provide for a study.

Reid amendment No. 4525 (to the instructions (amendment No. 4524) of the motion to commit), of a perfecting nature.

Reid amendment No. 4526 (to amendment No. 4525), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent Senator LANDRIEU be recognized to speak for up to 1 hour at 12:30 p.m. today and that the Republican leader or his designee then be recognized following Senator LANDRIEU.

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

Mr. BAUCUS. Mr. President, the Senate once again has before it the small business jobs bill. We have created this bill to help move the economy toward recovery. We have crafted this bill to create jobs. We have crafted this bill to strengthen capital investment.

Over the course of the great recession, small business capital investment has fallen dramatically. Since 2005, the percentage of small businesses that made a capital outlay in the previous 6 months fell by nearly 30 percent. Capital investments are an integral part of getting the economy back on track. We need to make sure that businesses, and especially small businesses, have the opportunity to make these investments so they can improve and expand.

Our small business jobs bill includes two accelerated cost recovery provisions. These incentives would lower the cost of capital and they would help businesses to make capital investments. One accelerated cost recovery provision in this bill would increase the amount of capital investment that a business could expense under section 179 of the Tax Code. Section 179 is one of the most widely used tax benefits available to small businesses.

We all hear of this constantly from our small business constituents in our home States. This year business owners may purchase and write off up to $250,000 in equipment for use in their trade or business. This tax benefit phases out for expenditures between $250,000 and $800,000, but in 2011, under current law, the $250,000 threshold will decrease sharply to $25,000, and the $800,000 ceiling on the benefit will decrease to $200,000. The bill before us today would increase the thresholds to $500,000 and $2 million in 2010 and 2011.

Expensing is an important tool for small businesses because it is the most accelerated type of depreciation. With expensing, a business can deduct the complete cost of an asset such as equipment or software in the same year the business buys the asset. With expensing, businesses do not have to wait for years to recover these costs as they do through traditional forms of depreciation.

In this weak and uncertain economy, the ability to deduct the cost of assets in the same year provides an immediate benefit for businesses. These immediate benefits strengthen the investment practices of a business, and that strengthens the economy as a whole. An increase in the thresholds for section 179 expensing effectively decreases the cost of newly purchased equipment, and that makes it more economical for a business to invest. These investments can help a business grow with relatively simple acquisitions.

For example, a business could boost productivity by updating office technology. This provision will also increase cashflow for businesses, and businesses that invest in new equipment put money back into the larger economy with their purchases. Take, for example, Brown's Automotive in Billings, MT. Brown's Automotive specializes in transmission repairs. Those repairs require significant equipment investments, such as lifts and scanners. Business has been down lately as few people are able to afford expensive transmission repairs these days. When business is slow, purchases of heavy equipment can put a major strain on cashflow. But section 179 expensing and the 50 percent bonus depreciation extension in this bill make a huge difference for Brown's Automotive. Brown's can now write off a portion of the cost of new equipment, and that helps them maintain their cashflow and encourages them to make further capital investments.

Because of provisions like 179 expensing, Brown's has retained all 43 of its employees despite the recession.

This bill also allows taxpayers to expense up to $250,000 of certain real property within the newly expanded thresholds in 2010 and 2011. Currently, taxpayers can expense only tangible personal property. Tangible personal property includes things such as machines or equipment. Expanding section 179 expensing to include some real property greatly increases the value of this provision to small businesses. This provision means a business could expense the improvements to the property itself.

For example, a small business owner with a retail clothing store may expense improvements that were made inside the store, such as built-in cabinets to better stock clothing or lights to brighten the fitting rooms. Allowing a retail owner to expense these improvements immediately lowers the owner's costs, and ultimately this will help the retail store owner to run a better business. This expansion also applies to qualified restaurant property and qualified leasehold improvement property.

A second accelerated cost recovery provision in this bill is bonus depreciation. Bonus depreciation also helps Brown's Automotive and many other small businesses. This bill would extend bonus depreciation through the end of this year. This important provision would quickly spark investment, increase cashflow, and help to create jobs.

Bonus depreciation especially helps businesses that need to make large capital expenditures but that may not be able to take advantage of accelerated depreciation under section 179. Currently, businesses are allowed to recover the cost of capital expenditures over time. As a result of the great recession, Congress temporarily allowed businesses to recover the cost of certain capital expenditures more quickly by increasing the writeoff to 50 percent of the cost of property placed in service in 2008 and 2009.

This bill would extend the additional depreciation to property placed in service in 2010. This additional depreciation makes property more affordable. The business can use the savings it receives to reinvest in the business and to hire new employees. This provision benefits immediate investments that can strengthen the economy now. We do not have to wait to see the benefits of this important provision.

Bonus depreciation also helps the business that sells the equipment. It helps manufacturers and suppliers retain and hire employees as their businesses rebound. The more purchases that are made, the more other businesses are helped. This double benefit makes bonus depreciation a cost-effective way to strengthen business investment.

Section 179 expensing and bonus depreciation encourage investment and creates jobs. There is no doubt about it, and very significantly, I might add, with this bill, we can help put the American economy back on track.

This bill would provide continued support to our small businesses on the path to economic recovery. The bill increases access to much needed capital, encourages entrepreneurship, and promotes equity. The small business jobs bill includes incentives to strengthen capital investment.

I urge my colleagues to support the small business jobs bill. I might add that today we are working to reach an

agreement on consideration of amendments to this legislation. We hope we will have more to announce later as we reach that agreement. I very much hope that can be done very expeditiously so we get this bill passed and get the needed assistance to our small businesses.

I yield the floor and 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. 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.

AFGHANISTAN

Mr. CASEY. Mr. President, I rise this morning to talk about the United States strategy in Afghanistan. However troubling the recent leak of classified documents, the topics discussed in those documents confirm some of the difficulty we face as a country today in Afghanistan.

Much of what was reported in the newspapers the last couple of days is, frankly, not news, but a review of what we already knew, that corruption continues to plague the Afghan Government, the performance of the Afghan National Army and police is uneven and at times problematic, and the Taliban have been emboldened in recent years.

As I said, this is all information we knew. It might have more details about it, some more reliable than others. But the release of these documents should, at the same time, help to sharpen our focus on all of those issues and more, and ask the tough questions, as is our responsibility in the Senate in a time of war.

This year, 2010, has already been the deadliest year on record in Afghanistan. We have new military leadership on the ground, General Petraeus, and assurances from the administration that civil-military relations are strong. Two weeks ago, Ambassador Holbrook appeared before the Foreign Relations Committee where he described the civilian component of our engagement in Afghanistan.

Our regular reports from the administration are instructive and do indeed show that we are making progress in some areas. But the overall picture is not encouraging. Casualties are up. Fifty-three servicemembers from Pennsylvania have lost their lives in Afghanistan. And, by way of comparison, in Iraq over the course of that battle, that war and the battles that were part of it, Pennsylvania has had 196 killed in action. So when we get above 50 Pennsylvanians killed in action, that is getting very high.

Of course, casualties mean both those who have been killed and those who have been wounded. So the 53 from Pennsylvania I mentioned are killed in action. We have many more who have been wounded. Our troops continue to be plagued by the threats posed by IEDs, improvised explosive devices, something I have been continually raising with the administration and others and will continue to do this until the threat to our servicemembers ends or is sharply reduced.

Unfortunately, we have a problem which is not just the IED itself but the ammonium nitrate, which is the most significant ingredient, which, as everyone knows, is a fertilizer which is used across the region and in other parts of the world as well. But that ammonium nitrate is both the main and most potent ingredient, and its inflow from Pakistan is still a huge problem. We are working to address this proliferation and the transport of this deadly material in the region. We are also working closely with the Government of Pakistan to address this threat.

But today I wish to review what I see as three main areas of our involvement in Afghanistan. The three we have talked about over and over here in the Senate are: security, governance, and development.

First, the most significant issue for many Americans is the basic security or military question, and that part of the strategy. On last Tuesday, the international community met in Kabul to assess the progress as it relates to Afghanistan itself and the stability in Afghanistan. This was the biggest international gathering in Kabul in 40 years, 70 dignitaries from around the world, including our own Secretary of State, Secretary Clinton, and U.N. Secretary General Ban Ki-moon. Kabul itself, the city, was under virtual lockdown for the gathering, which passed without any major attacks, thank goodness. That is a testimony to the Afghan security forces.

The conference attendees endorsed President Karzai's plan for Afghan security forces to take over the responsibility for safeguarding the country by 2014, setting a potential timeline for foreign troops' departure.

President Karzai also said his government ''continued earnestly and with the full dedication, the pursuit of the peace process,'' with the Taliban, which has been endorsed by the international community. The United States has laid down basic requirements or conditions for any group seeking to negotiate, seeking some kind of reconciliation. There are three, and we need all three.

First, any group that wants to engage in this process has to end its ties to al-Qaida; second, they have to end violence itself; and, third, accept the Afghanistan Constitution.

Secretary Clinton met with a group of women in Kabul and reiterated her commitment to protecting women during this difficult transition period in Afghanistan. This issue is critical and has a direct impact on U.S. national security.

Women are the backbone of Afghan society, and they play a determinative role in whether their sons resort to extremism. It is that simple. With American fighting men and women giving, as Lincoln said, their ''last full measure of devotion to their country,'' the product of our troops' sacrifice cannot be an Afghanistan that does not respect the rights of women. The Taliban cannot be allowed to impose their Draconian version of justice as it relates to women or society in general.

Senator BOXER and I cochaired a Foreign Relations Subcommittee hearing on women in Afghanistan a number of months ago and will continue to strongly advocate for the rights of women in Afghanistan. We commend and applaud the work of Secretary Clinton and her Department on this issue. It is not only the right thing to do, it is literally in our national security interest to do this work.

The most unfortunate indicator in the security environment, however, is the increase in American casualties, killed in action, and wounded. June was the deadliest month on record. The death toll was 103. More than half of them were American servicemembers, and from Pennsylvania four servicemembers were among those 103 killed in action.

A new Afghan study also revealed that civilian casualties are on the rise. More than 1,000 Afghan civilians were killed in the first 6 months of 2010, a slight increase compared to the same period in 2009. However, the number of people killed in NATO air strikes in the same period has decreased by 50 percent because of changes in the rules of engagement. So it is good news that that number is going down.

Most of the civilian deaths documented by the report were caused by insurgents, with the widespread use of roadside bombs, IEDs, as I mentioned before, particularly deadly. They alone have killed 300 civilians, those kinds of explosions.

In addition to security, which is essential, of course, in any strategy to make sure there is stability in Afghanistan, the second element is once you have security or are making progress on security, you hear this talk over and over again about clear, hold, and build. You clear out the insurgents, clear out the enemy, and then you have got to hold that region or that geography, and then build on it. The building, of course, cannot take place unless there is good governance. And to say we have a lot of questions in this area is a dramatic understatement.

Corruption in the Afghan Government was a major issue at this week's conference. President Karzai identified corruption as a major concern in his inaugural address, going back a number of months. We support steps he has taken to begin addressing this problem. These include issuing a Presidential decree in March of 2010 that provided that the USAID-supported High Office of Oversight have additional investigative powers.

It also outlined a process we are supporting for establishing a monitoring

and evaluation committee on corruption comprised of Afghan and international experts. Last week, Afghanistan's Cabinet approved a bill which will allow government ministers and senior officials accused of corruption to be put on trial. For Americans, that doesn't seem like a big development, but that alone is significant progress, to put corrupt officials on trial and have a judgment rendered pursuant thereto. Once passed by Parliament or Presidential decree, this bill will allow the creation of a special tribunal to try officials accused of graft or corruption. Under current Afghan law, ministers are immune from prosecution in ordinary courts. It is hard to understand that, but that is the situation as it stands now.

American officials estimate that $14 billion a year in assistance is put through the government, but most of the current assistance package now goes through Western organizations. As the Obama administration makes an effort to increase direct assistance to the Afghan Government, safeguards must be put in place to ensure Afghans bolster their financial management systems and combat corruption. As emphasized in the administration's January Afghan strategy document, there has been a major U.S. and Afghan push to build up local governance. This approach represents an attempt to build some of the tribal and other local structures destroyed in the course of constant warfare over several decades. We have a long way to go on governance, but it bears scrutiny and attention and a lot of tough questions asked by Members of the House and Senate and getting answers to those tough questions from the administration and from President Karzai and his government.

Third is the issue of development. In his testimony last week, Ambassador Holbrooke highlighted USAID's agriculture voucher program. Launched in September of 2009, this program has distributed wheat seed to more than 366,00 farmers—critically important to give farmers the resources and help to develop their crops. This strategy also resulted in the training of 80,000 Afghan farmers in best practices and employed over 70,000 Afghans on short-term rural infrastructure projects. In many places throughout Afghanistan's south, these programs are being administered increasingly under the auspices of the Afghan Ministry of Agriculture, whose extension agents receive training from forward-deployed USDA and USAID agricultural advisers. Many Americans might think the only people on the ground are soldiers and military personnel. We have a lot of dedicated Americans who work for the Department of Agriculture, for USAID, who work for a number of Federal Government agencies helping the Afghan people to develop their economy and to govern their country better.

Ambassador Holbrooke also discussed our new counternarcotics strategy, which combines law enforcement, intelligence, interdiction, demand reduction, regional coordination, and alternative livelihood programs. He reports that:

> We have seen significant increases in: the number of drug labs destroyed; the number of drug traffickers arrested; the amounts of opium, poppy, heroin, and morphine [based-drugs] seized; the number of joint operations with Afghan forces.

A joint ISAF-Embassy Kabul effort has been restoring cellular telephone service in areas where the Taliban has destroyed or deactivated cell towers. Over 20 cell towers have been reactivated in Helmand Province and Kandahar, with significant benefits for local communities. One of the civilians embedded with the Marines in Helmand Province reported that soon after a local cell tower resumed operation, ''three cell phone shops opened up in the district bizarre and SIM cards were available in the whole of the district—without involvement from the Marines or U.S. civilians.''

That is a bit of good news in the midst of a lot of difficult challenges.

All of us commend the Obama administration's work to bolster civilian efforts in Afghanistan. On a mission so important, where troops and families are sacrificing so much every day, building civilian capacity can never move fast enough. However, we have tripled the amount of civilian advisers since the Obama administration assumed office in 2009. The administration has refocused development priorities on agriculture and changed the rules of engagement to ensure fewer Afghan civilians are negatively affected and turned into potential enemies. We are making progress, but much more remains to be done on the three critical measurements: security, governance, and development.

I will continue to ask tough questions and demand answers on all three parts of our strategy. The American people have a right to these answers.

The threat posed by IEDs in Afghanistan is the No. 1 killer. We know this from many reports. The work done by the Joint Improvised Explosive Devices Defeat Organization, known as JIEDDO, is working actively to address the threat on the ground. The State Department, led by Secretary Clinton, is engaged with governments across the region to develop a comprehensive approach on countering IEDs and having a strategy for stopping the flow of ammonium nitrate into Afghanistan from Pakistan and other places in the region, which is the central ingredient in the IEDs. I am glad this effort is taking place by our government but much more work needs to be done. We need to do everything we can to stop the attacks that result from the use of ammonium nitrate and other ingredients in the IEDs. Nothing is more important as part of our strategy.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Virginia is recognized.

REFORM OF THE CRIMINAL JUSTICE SYSTEM

Mr. WEBB. Mr. President, I rise to point out to Members of this body that yesterday in the House of Representatives, the National Criminal Justice Commission Act of 2010 was passed in a noncontroversial manner by a voice vote. This legislation is identical to legislation my staff and I have worked on for more than 3 years, which has cleared the Judiciary Committee, which now has 39 cosponsors, including the Senator from Pennsylvania and the Presiding Officer. I urge leadership on both sides of the aisle to bring this legislation to the floor. Let's get the task of reforming our criminal justice system into motion. It has been more than 40 years since we have had a strong look at all the different components of our criminal justice system and how broken it has become. This legislation would provide the right vehicle to do so.

I started working on this issue as soon as I came to the Senate. We worked along with the Joint Economic Committee and many nonprofit groups and 501(c) groups to hold extensive hearings on the issues of mass incarceration, drug policy, how these different components of criminal justice interrelate, and why we need to take a larger look at the process. We designed this legislation with input from across the philosophical spectrum in order to provide strong advice to the Congress about how to fix all the components of the criminal justice system, from how people are apprehended, what to do with them after they are apprehended, when do we put people in prison, how long, what happens to them when they are in prison, what does prison administration look like, what do reentry programs look like, and how do we deal with issues such as transnational gains. While it is very difficult to deal with these issues one at a time, we have a vehicle here that has been scrubbed through the entire philosophical spectrum with great support. I will show some of the areas of support in a minute.

The starting point is why, why do we need to move on this now.

I wrote an article for Parade magazine last March when I decided to move our legislation forward. We got tremendous support across the country once we started talking about it. The two components we all ought to be concerned about are, first, incarceration in the United States has skyrocketed, particularly since about 1980. In the United States today, we have far more people in jail per capita than any other country in the Western world and actually in other parts of the world as well. We have 5 percent of the world's population and 25 percent of the world's known prison population. At the same time, we have another 5 million people in different parts of the criminal justice process who are not incarcerated. More than 7 million people are involved in the criminal justice process today.

At the same time, if we ask people if they feel any safer, more than 70 percent will tell us they feel less safe in their communities than they did 1 year ago. This is a trend that has actually increased over the years since about 2001. We are putting more people in jail, we have more people involved in the criminal justice system, and people feel less safe. Clearly, this is a leadership issue. We need to get our arms around it. We have a responsibility as leaders of the Nation to put the right process into motion so we can make better sense out of the criminal justice system.

Another statistic, before I talk about the process we went through, when we look at the increase in incarceration, a huge part of it has been through our inability to get our arms around enforcement of drug policies. If we go from 1980 to 2007 and look at Federal, State, and local prisons or jails, we will see that our incarceration of drug offenders has skyrocketed by 1,200 percent. In 1980, we had 41,000 people in jail on drug offenses. By 2007, it was 500,000. A significant percentage of these people are incarcerated for nonviolent offenses, and a very high percentage have been minorities.

When we started talking about this issue, we heard a lot of unease, particularly from law enforcement's side. We brought them in one at a time. I am not on the Judiciary Committee. My staff brought them right into the office. We sat down with more than 100 different organizations from across the philosophical spectrum to listen, to get their input on what this Commission ought to do, and to make sure we are reaching out to all aspects of the issue of criminal justice. We have support now from across the philosophical spectrum: Fraternal Order of Police, National Association of Police Organizations, the International Association of Chiefs of Police, nearly 20,000 members who called their own press conference a couple months ago to endorse this legislation. Among their leadership, they were saying this was the most important issue they would be working on in their careers.

At the same time, we have received endorsements from people who were more concerned about the individual rights area of criminal justice: the NAACP, the American Civil Liberties Union, Human Rights Watch, the National Association of Social Workers. This is a buy-in from all the elements in our country involved in this issue; that we need to find the type of solution that is going to make our system more fair, more efficient, and, in the end, is going to give us the potential, in terms of the reentry process, to reduce recidivism and reduce crime in communities.

The last point I would make—and I hope my colleagues will think about this—with the passage of this legislation from the House last night, we are ready. There is not any major piece of controversy over a piece of legislation that we have sat down and listened to from the Republican side. We have a seven and seven buy-in on the membership of the commission in terms of appointments from different party leaders.

This is a copy of the cover of this week's Economist magazine I show you in the Chamber. The Economist magazine, in my view, even though it is a British magazine, is probably the finest news magazine in the world. I have read it for more than 30 years. The cover is ''Why America locks up too many people.'' They have an indepth article in here asking the question, What is wrong with the American criminal justice system, and what needs to be done to fix it?

So I would ask the leadership of both our parties, and particularly those on the other side, let's step forward and create this commission. It is a 1½-year sunsetted commission. It is not something that is going to keep going. We are going to put experts on the commission to come back to us and talk to us about how we can make this system fair, take care of the problems of crime, the worries people have, and at the same time be a lot more sensible in terms of whom we are incarcerating and how we are assisting them in their reentry into our society.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. 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. UDALL of Colorado. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is considering the small business bill.

Mr. UDALL of Colorado. I ask unanimous consent to speak as in morning business.

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

Mr. UDALL of Colorado. Mr. President, I will speak to the bill we are considering.

I rise today because I know we need to throw a lifeline to small businesses by increasing their access to credit. They have bills to pay, payroll checks to issue, and accounts payable mounting as they try to drive economic development. I supported the $30 billion lending increase this past week—I think the Presiding Officer did as well—because we know we have to do all we can to get small business cranked up in our country. I supported it with the understanding that if we were going to finance $30 billion from the banking sector, the very least we could do as well would be to increase lending without costing taxpayers a dime.

I wish to speak specifically to a piece of legislation I introduced, and I introduced it in amendment format as well, with bipartisan support. This amendment would get government out of the way so that credit unions could increase their small business loan portfolios. Right now, credit unions are making small business loans, but there is an arbitrary cap on the size and how many loans they can actually issue. In every single State—in Illinois, Colorado, California, and North Carolina—there are credit unions that have money and are ready to responsibly lend more money, but the Federal Government is standing in the way. I, for one, am not ready to say to all businesses that they have to close their doors because of a Federal cap on loans. In an economy such as the one we now face, we have to change that situation. We all know that when small businesses expand and grow, that will be critical to pulling us out of this recession. In the last 15 years, small businesses have generated two-thirds of all the new jobs created in the United States, and they currently employ more than half of all Americans in the workforce.

As I travel across Colorado—as I know the Senator from Illinois travels across Illinois—and I visit with small businesspeople, they continually ask me: Where is the lending? I thought the banks were supposed to start lending again.

Despite remaining profitable, small businesses have been unable to secure the loans they need to make investments in inventory, expand, and ultimately hire new workers. That is, again, why I introduced this bipartisan amendment to allow credit unions to ramp up small business lending without costing taxpayers a dime. I wish to say that again. We are not costing taxpayers a dime to put these changes into current law.

Let me speak to current law. Under current statute, credit unions are required to limit their small business lending to 12.25 percent of their credit union's total assets. But credit unions have run up against that cap, and the only thing keeping them from jump-starting our economy is an outmoded, antigrowth law which I have referenced.

After we introduced our bill last year, we heard from inside-the-beltway banking representatives who said increasing credit union loans to small businesses wasn't going to be safe or sound. Now, I suspect they were more concerned about others making loans than they were about safety and soundness. We all know in this Chamber that banks and credit unions regularly snipe at each other. It is almost like the Hatfields and the McCoys. But in the end, this isn't a bank or credit union issue; this is a small business issue.

So in coming to this updated, bipartisan compromise, I have spoken to the Senate Banking Committee, the Treasury Department, and even the credit

unions' own regulator, the National Credit Union Administration. They have all agreed to support our compromise that will safely and soundly increase small business lending by the credit union sector without costing Americans a dime. Best of all, most important of all, this legislation could lead to large-scale job creation in my home State of Colorado and around our country.

The amendment takes the most well capitalized, the most experienced, and best run credit unions that have run up against this lending cap I have mentioned and allows them to meet the rising demand for small business loans. When they meet those conditions, their regulator will then allow that small business lending cap to slowly increase from the current 12.25 percent to a maximum of 27.5 percent of total assets. We know these credit unions are the most prudent financial institutions around, and nobody can argue that allowing them to throw a lifeline to small business is irresponsible. So this amendment is a sound, surefire way to grow our economy by increasing credit unions' ability to lend to small businesses. Again, I wish to remind my colleagues that this is at no cost to the taxpayers—no cost to our taxpayers.

The National Credit Union Association estimates that these sensible reforms would increase credit union lending to small businesses by $10 billion within the first year of enactment, with an increase of nearly $200 million in my home State of Colorado. This is just an example. This new access to credit is estimated to create over 100,000 new jobs nationwide. It sounds to me like a probusiness, projobs policy that we all can agree we need. The National Small Business Association and even the National Association of Realtors have gotten behind our efforts, and they are urging us to pass this important provision.

Everybody here—I look around the Chamber, and I see my friend from Oklahoma—knows what shape our economy is in today. Small businesses continue to struggle to access credit as large banks have significantly cut back on Main Street lending. We have all met business owners who have experienced this credit squeeze. If we are going to finance $30 billion to increase lending, which I do support, we should at least take this small step and help small businesses at no cost to taxpayers.

So as I close, I wish to urge my colleagues to avoid the infighting that would have us believe this is about banks or credit unions because it is truly about our small business sector. We can't turn away entrepreneurs in this economic climate. We want to create jobs and begin new businesses, especially because of our politics here in Washington. I know there is not a single Senator who wants to look a small business owner in the eye who hasn't been able to get a loan because of an arbitrary government cap on small business lending. So let's unlock credit markets in Colorado and throughout the country. This amendment could be an important part of that effort. I wish to work with colleagues on both sides of the aisle to quickly pass this amendment and allow our Nation's small businesses to again set our country on a path toward job growth and prosperity in the future.

Mr. President, I thank my colleagues for their attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that after addressing the Senate for 5 minutes, Senator INHOFE be next in line.

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

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Oklahoma, and I thank Senator UDALL from Colorado for his words.

Each day in towns and cities across my State of Ohio, small business owners and manufacturers will walk into a bank and apply for a loan to expand their business. They have workers, they have the capacity to grow, and they have orders for sales. They want to hire more workers. Too often, though, a creditworthy bakery shop owner, an auto supply manufacturer, or a clean energy entrepreneur will be turned away, snuffing out their dream and our economic recovery.

The strength of our economy depends on the strength of our small businesses. We know that about half of all employees in my State of Ohio and in most places across the country work in small businesses. We know that about two-thirds of jobs created in this country come from small business. Whether it is to create these jobs or supply services to other businesses or export products to new markets, small businesses, of course, rely on access to credit. Yet bank lending dropped by $578 billion last year—the largest decline since the 1940s. That means 60 percent of small businesses in America reported they didn't have the credit they needed to meet their business needs.

It is unacceptable that the same banks taxpayers helped save when the economy faltered are refusing to lend to responsible small businesses with good credit histories and good business plans. Many of these banks are building massive reservoirs of cash rather than making simple loans or extending lines of credit to small businesses. As a result, small businesses are denied the capital they desperately need to expand operations and hire more workers. That need is especially acute for Ohio manufacturers that have higher operating expenses, large upfront costs, and complex machinery to maintain. The issue of easing access to credit for manufacturers has been simmering for more than a year.

For the past year, I have chaired several hearings in the Banking Subcommittee on Economic Policy on how to restore credit to Main Street. We examined how to fix the problems to small business borrowing and lending programs, having heard directly from small manufacturers and other small businesses and small and big banks.

Chairwoman LANDRIEU of the Small Business Committee has assembled a powerful small business bill that strengthens our economic recovery by partnering business and government. Senator SNOWE has made significant contributions to this bill. There are few stronger advocates for small business and small manufacturers than she is.

This bill has several provisions that will help small business owners access new credit, refinance existing debt, and open cash flow as the economy continues to recover.

Last week, we took a big step toward helping small businesses in this country by ending debate on the amendment to add a $30 billion lending fund to the bill. I applaud Senator VOINOVICH, the senior Senator in my State, and Senator LEMIEUX for their work and support.

A key feature in the bill is the State Small Business Credit Initiative Program, a program I have worked on with Senators LEVIN and WARNER and STABENOW, along with the Secretary of the Treasury. This program would help small business owners and manufacturers whose collateral—it might be commercial real estate or it might be factory equipment—depreciated during the recession.

It is the same collateral, but it is not worth as much because of what has happened to the economy.

Too many small business owners have been forced to pay higher interest rates on their loans, through no fault of their own, because their underlying collateral lost value due to the weakened real estate market and overall economy.

Almost daily, Governor Ted Strickland and I hear from small business owners who would benefit from the program, along with other State-based small business lending initiatives.

The bill also extends the Recovery Act's Small Business Administration-backed loans, which have already helped create more than 650,000 jobs nationwide.

Because of these loans, small businesses can now create jobs and generate tax revenue for communities across Ohio, at no cost to taxpayers.

By extending these loans, startup small businesses could buy new equipment, or existing small businesses can make long-term investments to expand operations.

My office has held more than a dozen SBA workshops across Ohio—in New Philadelphia, Chillicothe, Toledo, Akron, Youngstown, Cleveland, and Columbus—to connect more than a thousand small businesses with SBA resources. Clearly, there is a demand for these types of loans, which is one of the reasons the bill is so important.

Let's not forget that 2 years ago, our economy was on the brink of another Great Depression. When President Obama took office, we were losing 700,000 jobs a month. Today, we are growing the economy—not fast enough, and there is not enough job creation to hire everybody back who lost their jobs. We know that. And there is not enough job creation to hire high school and college graduates and young men and women returning from service in the military. We are growing, but we are not growing the economy at the speed we need. We need to continue the growth.

From the Recovery Act, to the health care bill, to financial reform, we are helping small business owners achieve the American dream of entrepreneurship, while rebuilding the economy along the way.

Through the Small Business Jobs Act, more small business owners can walk into a bank and receive the loans they need to expand operations, hire new workers, and get our economy back on track.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

ENERGY

Mr. INHOFE. Mr. President, first, let me state that I have a great deal of respect for my friend from Ohio. I cannot agree, however, with the things this administration has done to pull us out of the recession. A lot of people believe the Federal Government can do that. I look at the institutions, and I say to the Chair, I have people who come into my office and it doesn't matter what industry they are in, they are all scared to death. It is a mentality that the Federal Government can take these things over and somehow make them better.

This administration is attacking every institution that made this country great right now. I don't care if you are in banking, insurance, health care, or the oil businesses—all of them are under attack. There is a myth out there that if the Federal Government takes it over, it will be run better than it would when run by the private sector. That is a prelude for the thoughts I want to share concerning what happened last night after 10 o'clock.

The majority leader, Senator REID, came out with a type of energy bill, I suppose you could say. He has been talking about an energy bill for quite some time. What I have seen in the bill that is called an energy bill—I can't speak too specifically about it, because it didn't come out until late last night. But we know this: First, they start off by taking off any liability cap on drilling, whether it is in the gulf or elsewhere. That is my understanding.

The problem we have—and some of the people in this Chamber might remember that I had occasion to come to the floor and object to the Menendez request about four different times in the last month, because what he was attempting to do is what this bill is suggesting—take all liability caps off. If you do that, something happens that is bad. I hope that is not the intent of the authors of the bill that came out last night. But what you do by taking the cap off is you limit who is going to be able—once the moratorium is lifted—to drill offshore to the giants.

We have five big oil companies—the big of the bigs—and everybody is talking about BP, the one responsible for the most devastating spill in our history. If you take the cap off, that allows the BPs and the nationally owned oil companies to drill. In other words, we have independents all over America that have the capability and are providing jobs in the gulf, to all the Gulf States. If you come along and, all of a sudden, say you cannot do it now because you cannot comply with this, there is a serious problem.

We have a solution to that, where oil companies would be putting into a fund—some of you might remember, 20 years ago, the Exxon Valdez oilspill. I remember going up there 20 years ago. That was a devastating thing. We are still feeling the damage that came from that spill. When I got there, something interesting was happening. The far-left environmentalists, who wanted to shut down all kinds of drilling all over America and elsewhere, were up there celebrating. I said: What are you celebrating? They said: We are going to parlay this spill—20 years ago—into stopping drilling on the North Slope. I said: Why would we do that?

That was a transportation accident. If you remember, that was a ship that came in carrying oil from foreign countries. They had the accident, and we had the devastating spill. But if you stop us from developing our own domestic resources, we are going to have to transport more oil from other countries. The incident of a potential oilspill would be much greater if we are transporting that much. They said: We are going to do it anyway.

I saw the same thing when the oilspill took place a few months ago in the gulf. All the people down there were almost celebrating, saying: We are going to parlay this into stopping all oil production offshore, and maybe even beyond that. That is essentially what the far left wants to do.

Here we have this bill that came out last night, which takes the caps off so that the only ones left—I call this the big oil bill. If we were to pass what came out of the majority leader's office last night, it would only allow giant oil companies, and maybe nationalized ones, to do the drilling. This is a huge thing.

The statement I am making—by the way, I have to quote someone I don't often agree with, and that is Carol Browner, the head of the EPA during the Clinton administration, and now the environmental czar in this administration. She said:

> So it will mean [talking about this subject] that you only have large companies in this sector, but maybe this is a sector where you really need large companies who can bring to bear the expertise and who have the wherewithal to cover the expense if something goes wrong.

She is saying that only big oil and China should be able to produce in the gulf. The problem with this is, everybody understands—certainly those Senators, Democrats and Republicans, from Texas, Louisiana, Mississippi, Alabama, and Florida all understand what the problem is here in terms of jobs. If you stop the independents from producing out in the gulf, it not only makes us more dependent upon foreign countries, or our ability to run this machine called America, but it does away with jobs.

The IHS Global Insight came out with a study that said if you do this, the gulf region would lose over 300,000 jobs by 2020. That is the IHS Global Insight. People don't argue with their credibility.

This is probably one of the biggest job loss bills we could have. I don't think it will pass, but if it did, that would be the problem.

I am going to address one more thing in this bill, and that is the technique of hydraulic fracturing. Hydraulic fracturing is a system whereby they go down—here is the aquifer here, 400 or 500 feet below the surface, and about 2 miles down—they drill down through that and use the hydraulic fracturing in order to get the close formation of oil and gas so they can produce that. Without that, they say—and I think nobody disagrees with this—we are not going to be able to produce natural gas. Everybody is talking about natural gas and how we are going to need more and more of it, how we would develop our potential and the shale potential particularly, and we can do away with having to be dependent upon countries such as Venezuela and countries in the Middle East for our ability to run the machine called America. So we have this methodology called hydraulic fracturing. The first hydraulic fracturing was done in 1949 in my State of Oklahoma. That is 60 years ago. There has never been one incident of contamination of water since that happened.

I am going to show you this. This is not me saying this; this is the EPA Administrator, Carol Browner:

> There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water.

Ever. Again, that is Carol Browner. This gives you an idea of where all this shale is. If you look at this—and I remember talking about hydraulic fracturing at some length some time ago, and Senator DORGAN, from North Dakota, came in and said he agreed with everything that INHOFE said. Obviously, this is Bakken shale up here. This chart shows the extremely large potential all over the country. Last July, I addressed the Senate for 30 minutes on this invaluable technique to access natural gas and oil reserves throughout the country.

While the country is at nearly 10-percent unemployment, access to these reserves means good news for jobs. I provided some examples of the thousands of jobs and billions of dollars in royalties, State tax revenues, and economic activity shale plays, such as the Barnett shale in Texas, Woodford shale in Oklahoma and Arkansas, and Haynesville shale in Louisiana and, as you can see, all over America on this map.

People are talking about big oil or oil in some negative context. There are hundreds of thousands of royalty owners around the country who would be shut down if we try to close down this methodology called hydraulic fracturing. This 60-year-old technique has been responsible for 7 billion barrels of oil and 600 trillion cubic feet of natural gas. The National Petroleum Council reports that 60 to 80 percent of all wells in the next 10 years will require hydraulic fracturing to remain productive and profitable. In other words, it is almost all of them that will require hydraulic fracturing to be competitive.

In Oklahoma, we should know. The first hydraulic fracturing was near Duncan, OK, in 1949. Very simply, it is the temporary injection of mostly water with sand, nitrogen, carbon dioxide, and other additives to fracture and prop open a ground formation to improve the flow of oil and natural gas through rock pores and increase oil and gas production. Ninety-five percent of the fluid is water, and 99 percent is water and sand.

New reports over the last 2, 3 years reveal some of the highest totals ever of natural gas in the United States. These reports demonstrate that at 2 quadrillion cubic feet of current demand, we have enough natural gas for us to keep America going for the next 100 years. That is the significance of this. If you do this and do away with that process—hydraulic fracturing—that will shut it down. So we are talking about now we have the potential to supply enough natural gas to run this country for the next hundred years. That is how significant this is.

Due to new natural gas shale plays all over the country, new studies demonstrate recoverable reserves of natural gas to meet the current demand for at least the next hundred years.

By the way, a report that came out shows that the United States is No. 1 in terms of recoverable reserves. We are talking about gas, natural gas, oil, and coal.

Some Democrats may argue that this section 4301 is only a disclosure provision of the chemicals used in the hydraulic fracturing process. That is not true. State regulators have safely and effectively regulated hydraulic fracturing for the past 60 years, as was stated by Carol Browner. State rules, such as in my State of Oklahoma, require disclosure of chemicals. What this provision is about is a new EPA Federal control. Somehow this administration thinks that if the Federal Government isn't running something—this is an obsession, where the Federal Government has to run everything. When I was mayor of Tulsa, we had a guy, a police commissioner, and he had a saying that ''if it ain't broke, don't fix it.'' This hasn't been broken once in 60 years. At a press conference, somebody talked about, well, didn't this happen in Nevada once? Well, I have no record—neither does Carol Browner—that there has been contamination as a result of hydraulic fracturing.

Proponents of this language argue that it is needed because fracking contaminates groundwater. As the ranking member of the Environment and Publics Works Committee, I have asked the USGS and the EPA's Assistant Administrators for both the Enforcement Office and the Water Office in testimony in front of the Environment and Public Works Committee whether they are aware of any documented case of water contamination due to hydraulic fracturing. They could not name one. That is because there isn't any.

These officials are not alone in this opinion. President Obama's energy czar agrees with me. In 1995, as EPA Administrator, Carol Browner wrote in response to litigation that Federal regulation is not necessary for hydraulic fracturing. She correctly made the point that the practice was closely regulated by the States and that ''EPA is not legally required to regulate hydraulic fracturing.'' Most importantly, she further wrote that there was ''no evidence that hydraulic fracturing resulted in any drinking water contamination'' in the litigation involved. We are talking about something that is not broken.

It clearly is necessary for us to get all of this out to run this machine called America. As we can see, this is not a partisan Republican issue; Democrats alike understand the importance of hydraulic fracturing.

When I spoke on the floor last July, as I mentioned, Senator DORGAN from North Dakota followed my comments saying that he agreed with my assessment that not only is fracking needed to access new reserves, such as the ones in the Bakken shale in North Dakota, but that he is not aware of any groundwater contamination from the practice. I appreciate the fact that he is outspoken in this area.

It is also extremely important to point out that Congress has already tasked EPA in law to study the effects of any hydraulic fracturing on water quality and public health. The EPA has already begun using $4.3 million for this effort, which is being led by Dr. Robert Puls, who works in EPA's Groundwater Research Laboratory based in Ada, OK. I encourage this study. We know there has not been any problem. I want to make sure we can put the final nail in this coffin, that people somehow think hydraulic fracturing contaminates water. This is a way to do an independent study. Let the government study it.

This bill was drafted last night at 10 o'clock in spite of the fact that we do not have any results back from that study. Even if one wanted to believe so badly and did believe this is a problem, let's at least wait for the study before composing new legislation.

Natural gas development brings billions in private investment and millions of jobs to America. This country cannot afford to limit the production of its domestic energy resources due to unfounded rumors of environmental damage and the usual hysterical claims from extremist environmental organizations looking for the next crusade because cap and trade is dead.

Let me repeat that. It was 13 months ago that I made a statement from this podium that for the next 12 months, people are going to say: We are going to pass some cap-and-trade legislation.

I said: We are not going to because it is dead. How many people, particularly the newly elected Senators, want to go back to their States and say: Aren't you proud of me? I voted for the largest tax increase in the history of America. That would be cap and trade.

Cap and trade is dead. Yesterday, the White House made some kind of statement that if we can get something thrown into conference and then have a lameduck session after all these faces have changed, we are going to try it again. It is not going to work. It is dead.

Let's look at what came out last night and study it. We have not had time to do that. We have not seen the exact language yet. It was not drafted until 10 o'clock last night. When they come to the point where they say they are going to do something to change hydraulic fracturing, that would be critical. That is one thing that would kill the development and production of natural gas to run this machine called America.

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.

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

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

HEALTHY, HUNGER-FREE KIDS ACT

Mrs. LINCOLN. Mr. President, I come to the floor today to speak again, as I did yesterday, on the committee-passed children's nutrition reauthorization legislation. Before I do, I ask unanimous consent that my colleague, Senator CHAMBLISS, be able to speak for 5 minutes following my speech.

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

Mrs. LINCOLN. Mr. President, I come to the floor today again to speak about our committee-passed bill, the child nutrition reauthorization, and certainly the critical need for us to pass this legislation before child nutrition programs expire on September 30. Most

people know we do not move at breakneck speeds in Washington, and we have very limited time between now and September 30. In that time, our children will be going back to school. They will be going to their respective schools across this country, and we will have missed an opportunity to improve their lives in that school and in that community, to improve their health and well-being through greater access to free and reduced lunches and—not summer feeding programs but our breakfast programs, as well as the nutritional value of those meals.

I hope all of my colleagues will join me in helping us move our child nutrition bill forward. The bipartisan Healthy, Hunger-Free Kids Act will make a tremendous step toward addressing the childhood hunger and obesity crisis in our country and put us on a path to significantly improving the health of the next generation of Americans.

Congress has the opportunity to make a historic investment in our most precious gift and the future of this country—all of our children, not just my children, not just the other Members' children, but children all across this Nation. Other mothers and fathers, parents all across this country, and grandparents who are raising their children, who love and care for their children just as much as I love and care for my children, will have an opportunity, when we pass this bill, to realize a greater opportunity for their children.

Today, I am here to talk about what it will mean if we miss this opportunity, what it will mean for our children, our hard-working families across this Nation, and schools across the country if we fail to pass this bill and pass it before we leave.

The obesity crisis America faces comes at a tremendous cost to our health care system. Many of us do not think of it that way, but it does. It costs us roughly $147 billion per year. We should not miss this opportunity to proactively address the obesity crisis and begin to relieve our health care system of those financial burdens that follow obesity-related disease.

This bill includes the first congressionally mandated, noninflationary increase in the reimbursement rate for school meals prepared and served across this country since 1973. I do not want to talk too much because in 1973, I believe I was in junior high, perhaps. We have not increased the reimbursement rate for meals in our schools since 1973. We know what 1973 dollars purchased and we know what today's dollars purchase. We are strapping our school districts with trying to do a better job at providing healthier meals since we now know the difference it makes in our children's lives, both in their ability to learn and in their ability to grow and be healthy.

This reimbursement rate is performance based in our bill. That means schools only get it if they provide healthy meals that meet program guidelines. This provision will invest roughly $3.2 billion in additional money over the next 10 years. That is over $300 million per year in additional revenue for our schools. That is meaningful to these schools that are working diligently to try to provide the healthiest meals possible for all of our children.

I toured a lot of our schools during some of the breaks we have had this year and listened to some of those food service folks who work hard day-in and day-out trying to come together and figure out how they can meet guidelines and provide the healthiest foods possible to our students and to our children and to do so on those 1973 dollars. One of the things I found, which is amazing, is that many of them are still using 40-, 50-year-old equipment, which means they are having an even harder time not only because they do not have enough dollars to purchase the kinds of foods they feel would be healthier, but they do not even have the equipment to provide the preparation of those foods. Steaming vegetables one pot at a time for 300 students is impractical.

We look at the opportunities that exist for us to do something. However, if we fail to pass this bill, schools will miss out on over $300 million each year, and the next generation will still continue to pay the price for the health risks caused by obesity.

We can see on this chart what schools in each of our States stand to lose if we fail to pass this bill. I have looked pretty heavily at the State of Arkansas, and I notice that the children of Arkansas will miss out on $3.5 million a year that we could be providing them for improving the health and well-being of our children through healthier meals and through greater access for low-income children.

We look at the economy and the economic crisis we have come through. We know many working families are in dire straits. Having to go through what they are going to have to go through to try to get their children into a free or reduced lunch is unbelievable. Yet that is a great place for those children to get a healthy meal when their families are suffering in these economic times.

I look at what some of my neighbors might receive. I notice Texas. Texas gets well over $32 million in these increases to help them provide for their children through breakfast programs and lunch programs in their schools and in their school districts.

Some of my other neighbors—Missouri. I look at Missouri and I see almost $6.5 million. Think about what it would mean to those school districts and those school service programs to have those additional resources. Those are critical dollars that schools desperately need to help reverse the dangerous trend of childhood obesity.

All it will take is just a few hours of floor time to pass this bipartisan, fully paid for legislation.

Another provision in our bill expands the at-risk afterschool snack program, also known as the Child and Adult Care Food Program. Our bill expands this program so afterschool sites in every State can offer children a full, healthy meal so they do not have to go hungry in the afternoons as parents are working and, at the end of their work day, having to pick up their children and then trying to get home to feed them. If we do not pass this bill, 29 million nutritious afterschool meals will not be served to hungry children.

Other provisions in our bill expand and improve the use of direct certification for free school meals through the SNAP and Medicaid Programs. There will be 120,000 eligible low-income children each year who will not receive quality meals if we neglect our responsibilities and fail to pass this legislation.

Again, as I mentioned yesterday, I think of the mountain of paperwork that comes home from school in the backpacks of my children at the beginning of the school year—paperwork that has to be filled out that is detailed. We know that through a direct certification program—and we know those families have already filled out that paperwork, whether it is for Medicaid or whether it is for other programs they qualify for, such as SNAP or other programs—it is critical that we use that opportunity and those resources to feed hungry children instead of the staff it takes or the time of the parent or the neglect, perhaps, because there is not enough time to fill out that paperwork so that child could have access in a dignified way to the free or reduced school lunch they need so desperately.

I emphasize again that the critical investment this bill makes is completely paid for and will not add one cent to the national debt. I know people have great concern about the debt because I do too. I know my constituents do, and I know my colleagues do. In the committee, we worked hard, in a responsible way, to ensure that this bill would be a good, common-ground area where we could come to find an increase for a very critical need but to also pay for it in a responsible way. This truly is an investment, Mr. President, in the next generation. It ensures that our children will be healthy, and it does so without saddling them with the financial burden they cannot afford.

Make no mistake, Mr. President, if we fail to pass this legislation there will be real-world consequences. Those statistics I just cited aren't just numbers, they are very real children. They are very real children from the age of 5 to the age of 18. Mine happen to be right in the middle right now, but they are growing boys. I know how desperately important it is for them to get nutritious meals, and I work hard at that. I know every other parent out there wants to do the same for their children; real children who come from hard-working families are struggling to make ends meet. These are real children who struggle with obesity and will

deal with long-term health consequences throughout their lifetimes if we don't take the steps to both increase their availability to choices and, more importantly, increase their access to nutritious meals in the schools where they spend the majority of their day to begin with.

Let's take the time to pass this legislation. If it is a priority, we should do it, plain and simple. Just a few hours is all it will take. I hope my other colleagues will look at this issue and realize that even in the busy world we are in here, and all the things that we do, taking just a few hours to focus on things where we have done our work in committee, where we know it is essential, where we know it will expire, and when it does we will lose resources, that we can take the time now to get something done and move it forward.

So I thank you, Mr. President, for this time, and I say a special thanks to my ranking member, Senator CHAMBLISS, who does a tremendous job on the Senate Agriculture Committee. I am grateful to him for his hard work and dedication, and I am a great admirer of all the things he does and will continue to enjoy working with him on any of the issues he finds before us in the committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I came to the floor to speak on something else, but I just want to say to my chairman that I commend her for her hard work and dedication and her leadership on this issue of child nutrition. We have worked extremely hard over the last couple of years on this issue, and when she assumed the chairmanship of the committee, she really put this as a top priority and I think it was the first major piece of legislation we passed out of committee under her leadership. Boy, did she ever work hard to make sure that happened.

It is a pleasure always to work with her. She is exactly right. We have actually modified the bill a little, even though it came out of the committee unanimously. It is totally paid for, and we are using existing farm bill money, for the most part, to pay for it. So it is a matter of adjusting priorities within good, solid, agricultural policy.

So I thank her for it, and I look forward to this bill ultimately coming to the Senate floor and its passage.

2009 LITTLE LEAGUE SOFTBALL CHAMPS

Mr. President, I rise today to congratulate the Warner Robins American Little League Softball team on winning the 2009 Little League Softball World Series.

They visited the White House yesterday, where President Obama offered them congratulations, and I appreciate his hosting them in that very generous way. I can't imagine this will be the last time the Warner Robins Little League girls come to DC as the Softball World Series champions because they have the knack for winning.

The girls went undefeated in the tournament. There was only one game that was ever in doubt. In the final game they beat a team from Crawford, TX, by a score of 14 to 2. Undoubtedly, there must be something in the water down in Warner Robins because, boy, do these girls know how to win. And they deserved to win. Throughout the tournament they played with heart, played with courage, and played with sportsmanship.

In 2007, the boys Little League Baseball team from the same town—Warner Robins—won the world championship title, making Warner Robins, GA, the first community in America to have a baseball team and a softball team win their respective Little League World Series championships.

I am proud of what the girls have accomplished, but my pride cannot compare to that of Warner Robins, to the State of Georgia, or to the entire Little League community. I am also proud of the commitment shown by the parents, coaches, and managers, who offered so much love and support for these girls so they could achieve their dream.

Softball is part of our American heritage, our history. It is a sport that cultivates competitiveness, hard work, and speed. It is also a sport that prepares children for the ups and downs of adult life because it brings together people and builds communities.

I am grateful to these girls not only for the sense of community their softball team helps bring to Georgia, but also for the economic opportunities this win is helping to bring to Warner Robins. The Little League International's southeastern regional headquarters and stadium recently moved from Florida to Georgia, bringing hundreds of jobs to this city of 60,000.

Mr. President, it is my privilege to be able to give voice to the citizens of our State in congratulating Warner Robins on a job well done and on thanking these girls for the recognition and opportunities they have brought to middle Georgia.

Once again, I offer my congratulations to the Warner Robins Little League Softball team on this very special occasion, and wish its players the best of luck as they defend their title over the next year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, in just a few moments Senator LANDRIEU is going to come to the floor to talk about the small business bill, and I will just say a word or two about my support for her efforts.

She did something extraordinary last week. She is a determined Senator, and the time came when she wanted to see a fund created to lend money to small businesses. So she took to that desk and grabbed her charts and stayed there all day until she got the job done. She got 60 votes, which is a daunting task sometimes in the Senate, and added into this bill a fund to loan money to small businesses across America.

We need it. We need it across America, and we need it in Illinois. There were over 258,000 small business employers in Illinois in 2006—that is the last year for which we have data—led by professional services and construction firms. They account for over 98 percent of the employers in our State. These small businesses added 93,000 jobs in 2006, more than three times as many jobs added by Illinois companies with more than 500 employees. We can see that small businesses are a major part of our job economy. Another 850,000 people work for themselves, meaning the number of people working for small businesses was actually dramatically larger.

I fear that some of the firms likely to have failed during this economic crisis would have continued to do battle and might have prospered if they would have had access to credit. That is why this small business bill is so important.

Yesterday, the Republican minority leader, Senator MCCONNELL, came to the Senate floor and questioned why we would even raise the so-called DISCLOSE Act, about the Citizens United decision at the Supreme Court. He said we should be on the small business bill. I couldn't agree more. I hope that sense of commitment and urgency from the Republican side will be shown again today.

If there are amendments, let's bring them to the floor, debate them in an orderly fashion, and bring them to a vote so we can bring this bill to passage. The House of Representatives is waiting for this bill. They want to help us move forward to help create jobs and turn this economy around. The best place to start is with the small businesses across America. With 10.8 percent unemployment in Illinois, it is crucial we help Illinois small businesses start hiring again.

I personally thank Senator LANDRIEU for her leadership. What she is taking are TARP funds, funds that were originally designated to go to the biggest banks in America but didn't. They were funds that were held back. What Senator LANDRIEU is doing is claiming these funds that went to these big banks and saying: Now let's send them to healthy banks, banks that are not going to fail, with the understanding they will loan them to small businesses. That, to me, is a good answer.

I am disappointed with what happened to TARP initially. To think that we sent these moneys, taxpayers' dollars, to some of the largest financial institutions in America that were guilty of misconduct and bad judgment and they showed their gratitude by announcing bonuses for their officers instead of paying back the Government right away, is inexcusable.

The remaining funds, some $30 billion, will come into this small business effort. I think I have heard Senator LANDRIEU say the multiplier on this is a factor of 10, so there could be some $300 billion across the economy.

In Illinois, in Chicago, across my State small businesses say: If we could just borrow money, we are doing well, we can expand, we can hire more people. But even though we have a good story to tell, with banks we have always worked with, we can't get the credit.

I thank Senator LANDRIEU for her leadership. We are going to get back to this bill. As I said, as she was preparing to come to the floor, if there are amendments, let's get these amendments in order, let's have a reasonable time to debate them, and then let's move on. Let's get this done and pass it over to the House so they can act on it before we leave next week. That is critically important. The House, I know, is hoping to wrap up this week.

Let me clarify one point. Although at one point in time this $30 billion lending fund was to be created from unused TARP funds, I'm reminded that this is no longer the case. This fund will be created independent of the TARP or any other existing program. It will be a standalone lending facility within the Treasury that will help small businesses access loans through community banks. And according to the Congressional Budget Office, this fund will not cost the taxpayers a penny—in fact, it will raise money to help reduce the deficit.

I urge my colleagues to support this bill, to help Americans get back to work.

I thank Senator LANDRIEU for her leadership and I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Louisiana.

Ms. LANDRIEU. I understand, under a previous order, I have the next hour to follow up on Senator DURBIN's comments. I would like to claim that hour now.

The PRESIDING OFFICER. The Senator is recognized.

Ms. LANDRIEU. Mr. President, the Senator from Illinois is absolutely correct. One of the last remaining works that we have to do, as we try to wrap up this portion of the session as we move to an August work period in our home States and our home districts, is to get this small business bill passed. It has been a focus of the Democrats. It has also been the focus of some Republican support. That is what I wish to talk about today. I wish to make sure we understand that the team that is following this bill is a broad team of hundreds of organizations from the Chamber of Commerce to the National Federation of Independent Business, to the Small Business Alliance, to the Community Bankers of America, to individual business owners around the country, as the Presiding Officer knows because he himself has been a great leader in this effort. The point I wish to make in the first few minutes of this hour is the tremendous bipartisan support and input that has gone into this bill to get us to this point.

There is some criticism that is not valid. There is a criticism out there that Democrats are trying to ram this through and Republicans have not been able to offer amendments. The facts are that this bill, this small business job growth bill, has been built through two committees, the Finance Committee and the Small Business Committee.

I have the pleasure and honor of chairing the Small Business Committee. Senator BAUCUS chairs the Finance Committee. For the last, literally, year, these two committees have been working to bring a bill to the floor that is focused on Main Street, not Wall Street; that is focused on job creation, not capital accumulation; focused on job creation on Main Street through traditional, old-fashioned, smart strategic lending to small businesses that have the potential to grow.

We know there is no disagreement that the new jobs created—the Presiding Officer will know—will be created by small businesses that do not hoard their cash. They cannot wait for a better day. They have to act now. That is the nature of small business. Lucky for us it is, because if we give them a little help, they can start creating that one new job or two new jobs or three new jobs. But if it is done millions of times across the country, which it can be, it can make a difference in a significant way by creating literally the millions of jobs we need.

If people want to know why this is a jobless recovery, I would like to say—because it seems like it is—that is because we have been giving a lot of money to the big guys: a lot of money to Wall Street, a lot of money to big manufacturers, large manufacturers. But if we would spend some time today—and we have over the course of drafting a bill which we have done in a bipartisan way—to get money to Main Street, we might see an end to this recession. That is the hope of all of us.

This is a description, Small Business Jobs and Credit Act of 2010. These are just the small business provisions—small business access to credit. You will see here, this was done jointly by myself and my ranking member, Senator SNOWE. It passed our committee 17 to 1, and we have almost an equal number of Republicans and Democrats on our committee. It passed with overwhelming support. This will increase 7(a) loans from $2 to $5 million, increase 504 loans from $1.5 million to $5.5 million, and increase microloans from $35,000 to $50,000.

It also extends the 90-percent guarantee on loans up from 75 percent and eliminates fees.

Let me read what one business in Louisiana says. I can probably read you thousands of testimonies, but let me read from one. Sawyer Industrial Plastics of West Monroe has been in existence for 32 years. It has provided plastic repair parts for the paper industry. Mr. Sawyer's line of credit was canceled by his bank so he needed to term out his debt as well as arrange for expansion capital to move into other areas that could design plastic parts.

Mr. Sawyer's existing business would service his debt, but without capital to expand into new markets and industries, his long-term business prospects would be tied to the weakening paper industry.

With this provision that was in the stimulus package but which has expired, which is in this bill—which will reignite when this bill passes but not a minute before—Mr. Sawyer was able to get a 90-percent guarantee. It allowed the lender, North Louisiana BIDCO, to leverage its capital and provide more funds to meet this $700,000 loan. The waiver of the guaranty fee added over $20,000 to available working capital.

In other words, instead of paying the $20,000 to the Federal Treasury, under the provision we are passing, he paid it to himself, which is the point of our legislation.

We have $12 billion in tax cuts for small businesses and that is not including this fee waiver I am talking about now. This is a significant amount of money to go into the pockets of small business owners. Mr. Sawyer, from my State, took that $20,000 and, instead of paying a fee to the Federal Government, we are waving those fees under this bill, and he hired an additional worker.

That is the point. That is the point of this bill you have helped to draft. We are reducing fees, we are reducing taxes, and we are targeting much needed capital—access to capital to small businesses, which will create the jobs that lead us out of this recession. So he added a new employee and he added some new product lines.

Another story comes from First Bank and Trust. This is in Mandeville, LA. It is about Woolf Harris, Inc., a 14-year-old company. The acquisition of a building recently left the business short of cash. Although the national economy turned down, residual effects of two recent hurricanes continue to push demand for the product. It is a plumbing supply business. Lacking adequate collateral for a conventional loan, First Bank and Trust—again, a local trusted community bank—was able to extend a $120,000 line of credit, with a $125,000 3-year term loan for working capital to Woolf Harris. With the 90-percent guaranty, First Bank felt comfortable taking the soft collateral available to secure the loan while being able to provide Woolf Harris a most favorable interest rate of 2.25 over prime.

This might not sound like a lot, but to small businesses out there struggling, getting a loan at 2.25 points over prime is much better and much preferable to having to put it on their credit card and pay 16 percent or 20 percent or 24 percent or run down to the payday lender because they are so desperate for cash and pay 36 percent or 50 percent.

If we can't help small business now, I don't know when we can. This bill we

put together with bipartisan support is supported by the Independent Community Bankers, the U.S. Hispanic Chamber, the National Small Business Association, the National Federation of Independent Business, the Small Business Majority, the National Association of the Self-Employed, and, yes, the U.S. Chamber of Commerce. They told me this morning they are proud that their membership is actually representative—96 percent is made up of small business. So I am proud to have the Chamber support for this legislation.

Now we need all these coalitions to support bringing this debate to an end. We agree there are some amendments, two or three, that could be added—on the Republican side, on the Democratic side. We could have an open debate. But there is such a thing as amending a bill to death. I do not think that is going on. I hope it is not going on. I believe both leaders are working in good faith.

But to the small business team out there that has done such a good job in building bipartisan support for this bill, I hope you will trust me when I say that at some point the debate has to come to an end and we have to vote on a bill. If we do not, we will leave here—I do not want to be one who does leave here without doing one of the most important things that I think we were sent here to do; that is, create jobs. The people creating the jobs are not us, it is the small businesspeople out there. To leave without this bill—fully paid for, $12 billion in tax relief, reduced regulations, reduced fees, and expansion of very popular and broadly supported programs—would, in fact, be a shame.

I see the Senator from Virginia who has worked so diligently on this bill. If I could, as I relinquish the floor to him, I would like to ask him if he would comment, as a former Governor of the State of Virginia and someone knowledgeable about the programs he initiated as Governor, how this bill might be helpful to those programs and what other Governors are saying about this bill today, if the Senator would not mind answering that question.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I appreciate the opportunity to join my colleague and friend, the chair of the Small Business Committee, the Senator from Louisiana, in support of this very important piece of legislation. Let me first of all say: In her inimitable style, she has been relentless on this issue. The Presiding Officer and I are both new Members. I think we have seen, in our short time here, certain Members who get that bit in their mouth and just will not let it go. On this issue, Senator LANDRIEU has truly been a leader. It is an issue of paramount importance.

I wish to answer the question of the Senator, but I wish to first of all preface it by saying what I hear in Virginia—and I know what the Senator hears in Louisiana, with all the other challenges Louisiana has—is our constituents want us to focus on jobs. On any historic basis coming out of recession, 65 to 70 percent of all the new jobs created come from small businesses.

And while we can point to certain positive signs in our economy right now—the Dow at 10,500 from a low of 6,500, 15, 16 months ago; corporate balance sheets, large Fortune 500 companies with more money on their balance sheets than at any point in recent history—good news. But if they are not hiring—and I hear from corporate CEOs, as well, their concern that the small businesses that are in their supply chain are going out of business, not just the small businesses that would normally go out with a traditional recession, but this recession has been so deep and so hard that we have now cut through the fat and we are into the muscle and bone. And if we continue to lose small businesses at the rate we are, then the ability to create a robust recovery will be dramatically stymied.

So what do we do? There is no single silver bullet. And what the Senator from Louisiana has crafted is a menu of options for small businesses, to get them that additional assistance, particularly in terms of access to credit, that will allow them to get back and do what they do best—continue to innovate, grow, and create jobs.

The Senator asked me what I am hearing from other Governors. Other Governors, Democratic and Republican alike, are saying that we in Congress have to focus on jobs. The issue of credit and access to credit to small businesses is paramount to all of them, and they want to see this legislation passed.

I was a former chair of the NGA. This is the kind of issue where Governors of both parties come together because we don't see these issues simply through Democratic or Republican partisan lenses. And sometimes this is the kind of bill that, candidly, as I remember as Governor, you kind of scratch your head and say: This is kind of a no-brainer. This bill is paid for. Why would not the Congress do all it can to support small business?

The Senator has outlined, and I know I was repeating some of the items, but I want to reinforce again—I want to particularly focus on one part of this legislation, but there are really four buckets here. They are, how can we expand some of the initiatives within the Small Business Administration that were put in place, particularly in the trough of the downturn, to make sure that these SBA programs, which have been vitally important to small business lending, are maintained—the 90-percent matches, some of the other loan guarantee programs?

I should acknowledge right here that I think the Administrator of the SBA, Karen Mills, has done a remarkable job in streamlining a lot of the processes. I have heard from banks for years about their challenges in dealing with SBA. Well, the current SBA team realizes this is a moment of crisis, and they have done everything possible to streamline their procedures. They need to have these tools put back in place so that the SBA can continue to do the very important work and, candidly, work that goes much broader in terms of a portfolio of small businesses that they are now attracting to their programs than in the past.

I would also acknowledge the dramatic increase in the number of particularly independent and community-based banks that are now accessing and using SBA programs. If we don't pass this legislation, these programs will be dramatically cut back, No. 1.

No. 2, the Senator has crafted, again, at her committee, in a bipartisan way, a whole series of targeted small business tax cuts, a kind of accelerated depreciation that will have the ability to write off core investments, the ability to focus on these job creators. How can we give them a little bit of a break right now, during these challenging times, in our Tax Code?

The third bucket in this program is building on a proposal the Senator and I and others had. We actually suggested this to the administration last October, but they have now built in a $30 billion lending program. The interesting thing about this lending program is it actually, on CBO scoring, scores as a net positive. So this is money not only that we will recover, but we will make—albeit a small one—a profit on it, to shore up particularly independent and community-based banks and give them a direct incentive in terms of increasing their small business lending.

Then a fourth bucket, one that I have been working on—and I wish to commend both my colleagues from Michigan, Senator LEVIN and Senator STABENOW. They have been very active in this as well—which is saying: Can we take what is already working in the marketplace at a State level and build upon it? This is the so-called Capital Access Program. Twenty-six States in America already have this program in place, and those States that do not have it can, in effect, piggyback on other State programs. So there is no need to create new bureaucracy. There is no need to create tons of new paperwork.

I hear, I say to the Senator, from my banking community that this particular initiative is one that they are perhaps even the most supportive of because they know how to do it, they know how to access it, and it can immediately generate a great deal of additional lending.

Let me take a moment, at the Senator's discretion and time—I know this is her hour, but I wish to take one moment to explain it because I think we have focused on the lending facility, we focused on SBA, we focused on some of the tax cuts, but the Capital Access

Program has not received as much attention. Each State has slight variations, but let me describe how this initiative works.

Basically, the independent bank, frankly, at this point is probably a little leery of making a loan, even to a relatively healthy small business because chances are, most small businesses coming out of this recession, their cash flows are down, and if they have real estate as collateral, it has perhaps declined in value. So while I have great sympathy for the small businesses that cannot get their credit lines renewed, I also understand the bankers' predicament in that small business credit isn't quite as good as it was, perhaps, in 2007.

So how does this program work to benefit these small businesses? What it basically does is it creates a separate loss reserve pool for small businesses that fall into this category. What does that mean? If a small business was coming to a bank, a local bank in Baton Rouge or a local bank in Martinsville, VA, wanting to borrow $100,000, the bank would charge that small business a couple of extra points—$2,000 or $3,000 out of that loan that would go into a separate loss reserve pool. We, with this Capital Access Program, would then match that separate loss reserve pool for, again, a matching amount of points, 2 or 3 additional points. So on a $100,000 loan, you would have $6,000 that would be absorbed, first dollar loss, if this loan went into default. Now, the bank still has to do its due diligence because if you eat through that $6,000, the bank has to bear the burden. But it gives you a little cushion there. It takes that marginal credit and makes it creditworthy during these challenging times.

Think about this $100,000 with that $6,000 loss reserve pool taken times a hundred or times a million. You could have a $100 million basket of small business loans with a $6 million reserve, and suddenly you have a very valuable tool that can be used by banks across the country.

The roughly $1.4 billion, $1.5 billion that is in the legislation in this program, it has been estimated it will be leveraged. And I know ''leverage'' is a bad word in this Hall at this point, and I particularly have pointed out some of the concerns of overleveraging. But because the person who is receiving the loan is putting up money and we from the government side are putting up money, we actually double every dollar we put out, and on an actual dollar basis, we are going to be leveraging the Federal dollar commitment 20 to 30 times. So that means this $1.4 billion, $1.5 billion can create $50 billion of additional small business lending. Think about the power of this tool, a tool that banks are familiar with, a tool that already exists in 26 States, a short-term shot in the arm for an awful lot of small businesses that might not prefer to use the SBA program, might not want to go through a bank, that might want to access the lending facility. It just gives us one more tool.

So I hope my colleagues and folks who are watching and listening will recognize that what the Senator from Louisiana has tried to create is a menu of options because there is no one-size-fits-all in the case of small businesses. Their needs are different. The banking community's desires are different. I think she has crafted a great tool that will dramatically help small business lending.

If we want to go back to our constituents in the month of August and talk about a real, live deliverable, if we want to talk about what we have done in a tangible way that will get credit back into the small business lending pool, that could be delivered by Labor Day, we need to make sure we move forward on this important piece of legislation.

I again commend the chair of the Small Business committee for her relentless work on this issue. I hope our colleagues from the other side of the aisle will hear all of the various business organizations across the political spectrum that are supporting this legislation. My hope is that we can deal with the amendments, get those amendments dispensed with at some point during the day, and pass this bill today because it is very important to making sure this recovery we are just starting to creep into is actually not a jobless recovery but a recovery that creates jobs. To do that, we have to have these small businesses healthy.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wish to thank my colleague from Virginia for that explanation and for his commitment to this bill and this effort. He was an extremely successful Governor before he became a Senator, and I say ''successful'' measured by the way those of us in public life are measured: by results. He left his State with a surplus. I know he did not do that singlehandedly, but it is a great feat these days to leave office with a surplus, and he did, with very high approval ratings and with a reputation as being very strong on fiscal matters. I think that is what our Congress needs. I thank the Senator so much for his help on this bill because that is exactly what people are looking for—a smart, strategic way to move big pieces of legislation forward but with our eyes on the bottom line and our eyes focused on results, not bureaucracy, not regulation, not additional rules, et cetera, but real results.

That is the way this bill was built. It was built with, as the Senator said, menus and choices, not one-size-fits-all. We did not say: There is one way to save small business in America, and this is what we are going to do. We said: We have heard a lot of good ideas. Let's try to put them together in a bill—some strategic tax cuts, some reduced regulation, some reduction in fees, and some options for capital.

Options—none of this is mandatory. All of this is voluntary on the part of the banks—all voluntary. If they want to use those programs to lend to small businesses, they can. No one is forcing them. No one is requiring them. And if they do, they can actually make a significant profit. So it really is putting the incentives in the right place.

That is why this is not anything like TARP. We are not using TARP funds to fund this. We are not designing it like TARP. TARP was a completely different program in size, scope, and focus. TARP stands for Troubled Asset Relief Program. It was for big banks that were failing. This is for small community banks on Main Street that are healthy, so that they can lend to the small businesses that can grow with the money the banks lend.

Let me read a letter we just received from the Lake Charles area, which is the southwestern area of Louisiana, from a business, Lake Area Marine.

It says: Dear Senator Landrieu. Lake Area Marine strongly supports your substitute bill, the Small Business Lending Fund Act, and the other parts of the bill. Our company is based in Lake Charles. The provisions outlined will restore much needed credit to small business owners like me, by addressing one of the primary reasons for the extent of the depression in the boating industry. By restoring the disruption in the recreational boating industry's distribution chain caused by the credit crunch, thousands of American jobs will be preserved or created.

It goes on to say: The Small Business Administration's dealer floor plan financing—which is part of this bill—is a critical component, helping, as I said, to raise the cap, from $2 million to $5 million.

We have hundreds of letters. This happens to be from a marine business, but there is floor plan financing for other businesses where large inventories are required. Although lots of people do buy products in the house from the Internet, as you know, millions of consumers still like to go to the showroom, they like to touch and feel and drive and see before they buy a car, buy a boat, buy other products. Many of these businesses in all of our States have seen their lines of credit evaporate, just go away. This bill is a lifeline for them.

So I thank the business owners, such as Jerald Link, who sent me this letter, and the thousands of business owners around the country who have said, yes, let's pass this bill now.

I see my colleague from Michigan. He also helped to craft a section of this bill. I would like him to explain the importance of that particular section which has to do with supporting weakened collateral in States such as Michigan, States such as Nevada, probably Florida, where they have seen such a depression of real estate prices. Thank goodness not so much in Louisiana, although the spill and the moratorium are giving us fits at the moment. But

last year our prices held pretty well. In Michigan, in Ohio, Florida, Nevada, California, these assessments collapsed. Small businesses were trying to function and were asked to put up collateral, and did. Then the banks came a long and said: Mr. Jones or Ms. Smith, you have collateral, but it used to be worth $500,000. Now the assessors are out there, and it is only worth $200,000. We are pulling your loan.

If we don't do something to fix that, they are going to lose their business. It is that simple. This is not complicated. It is horrifying, it is painful, but not complicated.

Senator LEVIN worked hard and came up with an innovative solution. Hopefully, he will speak about how this provision will technically work in Michigan and throughout many of the States.

I, again, wish to read into the RECORD some of the specifics about this initiative and talk about job creation by small businesses. First, to reiterate, there is great support for this bill, in large measure because it is not like TARP. It is not funded with TARP moneys. It is completely different—different focus, different scope—than TARP. What it does do is create a small business lending fund to banks with less than $10 billion in assets. TARP, although some of the money did go to middle-size and small banks, most of it was taken by the big banks, worth billions and billions of dollars. This is only for small banks, $10 billion or less. There are about 8,000 small community banks in America. The SBLF, Small Business Lending Fund, is performance based, unlike TARP, which we sort of gave the money and said: Do what you need to do with it. This says: If you take the money, you need to lend it to small business. When you do, we will give you a discounted rate so your bank can make more money, and the small business can make more money.

The most important part, equally important, the taxpayers can be repaid. This program doesn't cost the Federal Government money or the taxpayers money. It will make $1.1 billion, according to the CBO score. This is what I call smart government. This is not big or little government; it is smart government. It is leveraging the power and assets of the Federal Government. There are many to be proud of. It is using it to support Main Street so that jobs can be created, the recession can end, people can get back to work, business can flourish, and then we can work our way out of the terrible deficit situation we inherited. This recession called for additional spending which was necessary, although it is troubling. In this case we are going to make money on this program for the taxpayer.

It also supports a new small business credit initiative, as Senator WARNER explained. It is going to save taxpayers $1 billion.

One of the most important components of this argument is the 81-percent job loss in the last year. This is from the national employment report. People need to know—and it is startling—that 81 percent of the jobs lost in America were from small business. Only 19 percent were from large business. The dramatic dropoff in employment has come from small business. If we do our job right on this bill today and tomorrow—not in September, not next week but today and tomorrow—if we do our job in the Senate, it will give the House enough time to deal with this before they go home, and we can give relief now. The pain is so great. The times are so desperate. They are not getting better. This is the bill that will jumpstart, jolt, be a catalyst.

We have tried other things this year. Some things have worked; some haven't. But there is great confidence that this bill we are putting forward now will do the job. It is not one size fits all. It is not mandatory. It is a smart, strategic, voluntary, public/private partnership which makes so much sense in this day and age.

I see others who may want to speak. Then, hopefully, we can get to a vote in the next few hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I congratulate Senator LANDRIEU and thank her. I am on the Small Business Committee. I serve with her on the committee and others. I have watched her extraordinary talent flourish as chair of the Small Business Committee.

The bill before us does something we all say we believe in; that is, support small business. Every Member of this body has pointed out something which the Senator from Louisiana knows and reflects in her work; that is, the engine of jobs is small business. We all say that. Most of us believe it. I hope all of us believe it, if we say it. It is not a partisan comment. This is a jobs bill which should get bipartisan support. Some of the jobs efforts have not. But this bill, because it is focused on small business and because that focus has been supported so regularly by Republicans and Democrats, will pick up some Republican support, I hope. It deserves that support.

Senator LANDRIEU has reached out to try to obtain that support for this bill. I hope she succeeds. In addition to thanking her for her great work on this bill, I wish to note the work of the Presiding Officer who worked very hard on a provision of this bill. As a matter of fact, he has worked so hard on other provisions on other bills which have recently passed this body and been signed into law. But Senator MERKLEY is actually the key sponsor of a provision which I will not be focusing on but which I believe has either already been discussed or will be.

I commend Senator MERKLEY for his great work on this bill with that particular provision.

I wish to begin my description of the part of the bill I have focused on with a thank-you, a thank-you to Senators SHERROD BROWN, STABENOW, WARNER, BAUCUS, SHAHEEN, BEGICH, MCCASKILL, and others who have worked so hard with me on a very major provision of this bill which I will now spend a few minutes describing in detail.

Senator LANDRIEU made reference to a significant fact in this recession; that is, the value of real property has gone down. Almost all of our houses are assessed at less now than they were a few years ago. I don't know if that is 70 percent or 80 percent, but it is a high percentage of homes that have lost value because of the recession. The home is exactly the same home, it is either maintained well or not, the way it was before the recession. This is true with businesses.

In all of our States, when we go home the thing we hear about more than anything else is jobs—get credit flowing to small businesses that, through no fault of their own, are unable to obtain credit; not because they are not creditworthy, not because they don't have customers, but because the collateral for their line of credit has gone down in value because of the recession. It hasn't gone down in value because it isn't maintained. It has gone down in value like most other businesses and industries on the same block or in the same community because the recession has reduced the value of these real assets.

The part of the legislation I have focused on is called a State small business credit initiative. It provides crucial funding to State and local programs that expand capital access for small businesses. We have lots of companies in all of our States that have stayed open. They have customers, they have business. Indeed, in many instances, they have more customers than they are able to handle and want to expand. I will give a few examples of how that has happened in my home State of Michigan, and I believe it is true in other States. The customers are there; the creditworthiness is there. We have many examples of businesses that have never missed a payment on money they owed to the bank down the street or in their community. They are creditworthy.

The problem is, because the banks require a certain ratio of collateral to the amount of the loan, that ratio cannot be met because of the collateral's loss of some value in the recession.

A couple success stories are a powerful argument for expanding these programs which are in 30 of our States, and other States will be able to follow these programs and pursue these programs as well when this bill passes.

In Saline, MI, a company called Saline Electronics makes electric circuit boards. They are good at it, and they are so good that in 2009 the company began to plan for an extension of their facility because it was too small to handle increased production. However, it hit a roadblock when the recession came.

Just as the company was exploring their expansion possibilities, the recession battered down the value of their real estate. Their building fell in value. So, again, they had good credit and great demand for their product, so much so that they wanted to expand, but the value of the collateral it could offer in applying for a loan had shrunk. That logjam carried a real threat that good-paying jobs for American workers would be going overseas instead.

We have a collateral support program in Michigan. It stepped in to end that threat. The program is designed exactly for situations such as this, where the value of equipment or the real estate has fallen because of the recession and, therefore, the collateral amount is not there as it was previous to the recession and would not support the loan because of the ratio between collateral and the amount of the loan required by local banks. But the State has this collateral support program. With that support, Saline Electronics was able to add 32,000 feet of production space and hired 30 new workers. There are similar examples across my State, across the country and, again, in the 30 other States that have a similar program.

Another example from Michigan: In Grand Rapids a company called Display Pack, a packaging company, got more than $1 million in financing through Michigan's capital access program which uses, again, very small public investments to leverage larger commercial loans for small businesses. That particular funding created 20 new jobs and saved another 125 that may have been at risk.

Driesenga & Associates, a small statewide engineering firm, used the same program to get loans for operating capital expansion. They added 11 new jobs, protecting 120 existing jobs.

This program in Michigan has used only $24 million in State government commitments to generate over $600 million in private financing. That is a hugely smart investment, and especially so when small businesses are so starved for capital.

As Senator LANDRIEU pointed out, this is not big government. This is not small government. This is plenty smart government. If you can leverage $1 of Federal funds and get, in this case, $30 of private funds as a result, that kind of leverage of public funding to private funding is a particularly smart investment.

But as the State budgets have been stretched and more and more businesses have sought access to these programs, there is an inability to meet rising demand. So the need for Federal support is great.

The State Small Business Credit Initiative in the legislation before us would provide support for States such as Michigan and the roughly 30 other States that now have them. Again, States that do not have these programs would have access to that Federal support and could start these programs. The House has approved a larger amount than is in our bill. On the other hand, we have a significant amount in this bill, and I thank Senator BAUCUS—that even though it was not to the amount the House put in for their bill, it is a significant portion of that, and we are appreciative of his support for this provision.

So there are a lot of other provisions in the bill that are worth commenting on, and, obviously, we are supporting, including the Small Business Job Creation and Access to Capital Act, which raises Small Business Administration loan limits. It includes a proposal I offered for an Intermediary Lending Pilot Program, which allows the SBA to make loans to intermediary lenders, such as business incubators, which can then loan that money to growing businesses.

The Small Business Lending Fund, which is included in this bill, which is the provision I referred to, which Senator MERKLEY, Senator LANDRIEU, our chairwoman, and Senator LEMIEUX and others have worked so hard on, is very similar to the Bank on Our Communities Act, which I previously had cosponsored.

So this bill is the right approach because it supports the engine of job growth. It is a small business bill.

It deserves the support of Senators of both parties. I hope, given the job situation we find ourselves in and the support that has been proclaimed for small business across the aisle and on this side of the aisle, we can find some good, bipartisan support for this tremendous initiative.

(Ms. LANDRIEU assumed the chair.)

Mr. LEVIN. Again, I commend our chairwoman, Senator LANDRIEU, who I now see is the Presiding Officer, and all those who have worked with her to bring us to this point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I also rise to discuss provisions of this bill and would like to begin by saying, when one gets into the details, you see there is a spectacular array of provisions that have been put together by the Small Business Committee to assist small businesses in helping them get themselves back on track, and, in the course of doing so, get our Nation back on track.

Particularly, I thank the chair of the Small Business Committee, the Presiding Officer, Senator LANDRIEU, for working in such a bipartisan manner to bring together the best ideas that can be brought to bear in that effort to assist our small businesses.

I will mention just a few of them. A 100-percent exclusion of small business capital gains will be big factor for helping our small businesses, a carryback provision so small businesses can take and balance out losses against former profits, making the general business credit not subject to the alternative minimum tax, increasing the Small Business Administration loan limits, eliminating the Small Business Administration loan fees, and so on and so forth.

These are terrific provisions to assist small businesses. But I wish to particularly speak to two additional parts of this bill. One is the Small Business Jump Start Act. This is intended to help businesses get started in their first year. Under this provision, it allows the deduction not of $5,000 in startup expenses but of $10,000. So it is a doubling of kind of a jump-start or a boost to getting businesses off the ground. It is for those entrepreneurs who say: Here is an opportunity, and I am going to take a big risk, and I am going to take my savings or borrow against my house or utilize my credit card in order to jump in and seize this opportunity.

It is giving those folks additional help in that first year, and who knows when those first-year efforts—when so much is at risk—are going to turn into the successes that employ person after person after person on Main Street in communities throughout this Nation.

The second piece I wish to address is the Small Business Lending Fund. I think every legislator who has been spending time back home in townhalls has heard from owners of small businesses, has heard the stories of how a long-term banking relationship—a relationship in which they knew they could always turn to their community bank for help—has not been able to yield the credit they need at this moment and not through the fault of the community bank. The community bank wants to lend but because the community bank's capital has diminished, they are at the limit of their ability to make loans. Unless they bring in additional capitalization, they are not able to make additional loans, no matter how good that opportunity might be.

We have heard about small businesses that, in fact, are having to rely upon their credit cards. The percent of small businesses in America that are currently turning to their credit cards has increased 14 percent in a single year—14 percent more small businesses having to rely on a credit card because they cannot get access to traditional lending from their community bank.

Well, this chokepoint in our system is essential to address because if the small business entrepreneur cannot access credit to seize an opportunity or to expand on a successful formula, then we will not be putting businesses back to work, we will not be putting citizens back to work for those businesses. So that is what the Small Business Lending Fund does.

There are a number of questions that have been raised about it. I wish to address each of those. But I wish to note the potential of taking $30 billion in recapitalization, which actually makes a profit for the taxpayer—CBO estimates a profit of $1.1 billion—and in addition will bring in additional revenue through the taxes on the additional

folks who are employed and the larger small business profits. So the $1.1 billion, that is just the base. That is not including the additional revenue that will flow from the success of small businesses and the restoration to employment of workers across this Nation.

So one of the questions has been: Will these funds recapitalize or bail out failing banks? The answer is absolutely not. This is a program for small business, making capital available to small businesses through healthy community banks. That is a very important distinction, and there are ratings in which the regulators evaluate the health of banks. They range from 1 through 5. They are called CAMELS ratings, and only those banks with ratings of 1, 2, or 3—that is, healthy banks—will be eligible for this program.

A second question has been: Well, if we help recapitalize community banks, is there a possibility they will sit on the funds, prepare for a rainy day or a rainier day? The answer is no. The program is structured so that if funds are lent out, then the dividend rate falls to 1 percent. But if they are not lent out, the dividend rate rises to as high as 7 percent. Well, that 7-to-1 distinction means you are not going to borrow money if you do not have an intention of using it to leverage funds to lend out because you will be losing money, and you want to take advantage of that incentive to only pay a 1-percent dividend. So there is a lot of carrot in this in a structure that makes it illogical for a bank to seek these funds in order to sit on them.

A third question is: Why utilize community banks to help get lending to small businesses? Why not just do it in some other direct government fashion?

Well, the answer can be discerned by anyone exercising a small portion of common sense. Main Street banks are in the business of evaluating opportunities, entrepreneurial opportunities, and funding those opportunities to make a profit. That is what community banks do. That is their expertise. This approach builds on the expertise of Main Street banks to produce successful Main Street small businesses across our country.

Another question that was raised was: Will recapitalization cause banks to have to rush to make speedy loans and not take the time to evaluate that business opportunity thoroughly? The answer is it will not, because this program was designed so there is a 2-year span of time in which a bank has the opportunity to make that transition from capitalization to lending before the dividend rate is locked in. So there is no incentive for a rush to judgment.

I ask all my colleagues: Is not this the type of bipartisan problem-solving America wants us to undertake, bringing forth, through the committee process, through an open discussion—with television cameras running—the consideration of this idea and that idea being merged together to bring to the floor a coherent piece of thoughtful legislation to help address one of the major challenges in America, which is getting our small businesses back on track? Is not this what we are being brought here to do?

So I applaud the Small Business Committee. I applaud the work of the chair and all the members of the committee who produced this type of concrete aid to put Main Street back on track, to create employment for citizens across this Nation, and, by so doing, put our Nation back on track.

Thank you, Madam President.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I thank my colleague from Oregon, who has been one of the creators and designers of this bill and who has been a leading advocate and tireless in his efforts. He has conducted probably dozens of meetings in his office with Treasury officials, with Members from both sides of the aisle.

I have put this poster up in the Chamber because I want everybody to know this is what we are talking about today: small business. We spend a lot of time in this Chamber talking about lots of other issues—foreign aid, other countries, big corporations, Wall Street—but today, in these few hours—today and tomorrow—we are going to be talking about small businesses on Main Street. Small businesses on Main Street, I think they deserve this time, and they deserve our focus.

I know there are many other issues Members of this body, both Democrats and Republicans, want to solve or try to solve before we break in a few days. But I have to say, we cannot solve every problem in the world in this bill for Main Street and for small business. Some have criticized and said: Oh, well, the Democratic leadership is not allowing amendments. Nothing could be further from the truth.

This bill was built on amendments in committee—amendments by Democrats, amendments by Republicans, negotiations. The Presiding Officer most certainly knows this. I see my colleague from Texas, and I know he will have time in a moment. But the Presiding Officer knows, because she is a member of the Small Business Committee, this bill was built on a foundation of bipartisan support for small business because we all agree we want to end this recession, and the best way to end it is by smartly investing in strategic alliances with community banks and other lenders to get money to small businesses on Main Street. That is what this bill does.

As I conclude, I am asking Members on both sides of the aisle: Let's work with our leaders. Let's not burden this bill to help Main Street with amendments that have nothing to do with small business, that have to do with other political objectives, et cetera. Let's try to come together for the benefit of all of the 27 million small businesses in America that are watching us, hoping we can take the right steps to help them end this recession and get the country moving again.

I see my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

ENERGY

Mr. CORNYN. Madam President, I wish to speak for a few minutes on the subject of energy. Particularly I wish to contrast the approach that has been taken by the administration with regard to the blanket moratorium on drilling in the Gulf of Mexico for at least 6 months—but who knows how much longer that will slip—and a better approach that I think will provide a way of promoting safety but also not kill jobs in the Gulf of Mexico, particularly in the Gulf States, including Louisiana, Texas, Alabama, and Florida.

There is no secret about the fact that the blanket moratorium, which has been struck down by a Federal judge as unjustified by the rationale given by the administration, is now being appealed, so drilling activity has essentially halted—new drilling activity in the Gulf of Mexico. I think there is a better way to approach this. These ideas are actually included in the alternative we will be considering I hope as early as tomorrow. I think there is a better way to approach this.

A few weeks ago I had the opportunity to fly from Sugarland, TX, 200 miles offshore into the Gulf of Mexico to a drilling rig called the Noble Danny Adkins. This drilling rig was sitting in 9,000 feet of water, and of course it was idle as a result of the drilling moratorium. When fully operational, it employs up to 200 people, but of course they weren't working because there isn't any drilling going on. This particular rig was scheduled to drill in more than 12,000 feet of water to a depth of 37,000 feet. It is one of dozens of rigs not doing any work today because of the uncertainty caused by the moratorium. I had a chance to talk with a number of the professionals who work on that rig, and I have to tell my colleagues my impression of being on an offshore rig was like my first experience going to NASA. It is that technically advanced and that impressive.

The offshore drilling industry is a highly technologically advanced operation in which many very skilled professionals are working. These are typically high-paying jobs, as my colleague from Louisiana knows. My fear is that the blanket moratorium imposed by Secretary Salazar of the administration, unless it is modified in a more rational way, will destroy 50,000 jobs and up. We already know that the moratorium has caused two drilling rigs, offshore rigs—which cost an incredible amount of money to lease, and, of course, you can't afford to have them sit idle and not do what they are designed to do. What happens is with the moratorium attached, two of these rigs we know of moved to Egypt and one to the Republic of the Congo. Of course, with the departure of the rigs, the

workers go too, and it is a big question as to whether those rigs and the jobs associated with them will ever return.

But it is not just the people who work on the rigs such as the Noble Danny Adkins and the other rigs that are idle now as a result of the moratorium; it is the associated businesses that support the oil and gas industry in the Gulf of Mexico, such as Sunbelt Machine Works Corporation. This is a small family-owned business I visited which manufactures many of the tools that are actually used in deepwater rigs such as the one I visited in the gulf. We need to think of not just the impact on the people who work on these rigs but also everybody who supports those efforts, including the people who supply food, people who supply the machinery, people who fly, the people who work on those rigs. Everyone is impacted negatively by a blanket moratorium.

My colleagues don't have to take my word for it. The Energy Information Administration recently projected that in addition to killing jobs, it will actually cost a lot more than that in terms of the domestic production of oil and gas that we will have to make up for by importing it from abroad. The dependency we have in this country, which is a true national security problem, would be exacerbated by this moratorium, because as long as America is going to continue to consume oil and gas, until we are able to develop new forms of energy in the future, as I hope we will, we are going to continue to consume oil and gas in this country. Right now, about 30 percent of the oil consumed in America comes from the Gulf of Mexico—30 percent.

The Energy Information Administration recently projected that domestic production will decline as a result of the moratorium by an average of 31,000 barrels a day in the fourth quarter of 2010 and then by an average of 82,000 barrels a day in 2011. By December 2011, monthly oil production in the Gulf of Mexico will decrease by an average of 100,000 barrels a day. Assuming the economy picks up, as I hope it will, we know there is going to be demand for that oil which will need to be replaced and, of course, where does that come from but places which I know most of us would rather not have to do business with: Venezuela, to mention one.

The Louisiana Mid-Continent Oil and Gas Association estimated last May that the impacts of the moratorium were estimated to be 80,000 barrels of production loss per day . That is what they estimated for 2011. They estimate up to 37,000 jobs will be lost, and $7.6 billion in future government revenue will be put at risk. That is the effect of this blanket moratorium.

I wish to talk about a better solution, I believe, that was offered in the energy legislation Senator MCCONNELL introduced last Thursday which incorporates this approach.

I also wish to talk for a minute about the attempts to basically make it impossible for independent oil and gas companies from working in the Gulf of Mexico. How do you do that? Well, it would be by raising the liability cap, or by removing it entirely, thereby making it impossible for independent oil and gas companies to work in the Gulf of Mexico because they, frankly, can't afford the insurance for unlimited liability. Under the current regime, there is a limit of individual liability up to $75 million and, above that, 8 cents on every gallon of oil imported into the United States or produced in America goes into an oilspill trust fund which is then used to pay for anything not covered by the $75 million liability for the company.

Well, if, as some of my colleagues have proposed, we eliminate that cap, it makes it impossible for smaller companies—these independent oil and gas companies—to operate in the Gulf of Mexico or anywhere else. They simply will go out of business or take their operations elsewhere if they can.

Let me give my colleagues an idea of what the job impact on that would be. In 2009, independents accounted for more than 200,000 jobs and $10 billion in State and Federal taxes and royalty payments. As my colleague from Louisiana knows, because she was one of the principal negotiators, we were able to get royalties which actually go to the Gulf Coast States for the incidental impact of oil and gas operations in the Gulf of Mexico. Of course, all of that income will be lost, together with the royalty that would be paid to the U.S. Treasury, as a result of the moratorium and certainly by chasing off these independents. The study forecasted that by 2020 this would eliminate 300,000 jobs and cost $147 billion in Federal, State, and local taxes from the gulf region.

The study also concluded that if independent oil and gas companies are excluded from deepwater oil and gas operations, the job loss would be 265,000 by 2020 and $106 billion in lost tax revenues over the 10-year period. Of course, we know other countries are delighted with this moratorium because it means these rigs and these operators are moving to these other countries, creating jobs there and producing oil and gas from there.

For example, a recent Washington Post article reported that Brazil, Canada, Nigeria, Angola, and Libya are among the countries that are moving forward with drilling, lured by oil reservoirs they are discovering that are two to six times as big as the average Gulf of Mexico reservoir. As I mentioned, once these rigs leave the United States, leave the Gulf of Mexico, they go to places with far less stringent regulatory controls than we have here in the United States, so actually the risk of an environmental disaster is greater in these countries that have far more lenient regulatory regimes. In fact, the moratorium has the perverse effect on safety as the newest and most expensive and most technologically advanced rigs move overseas to work while the less-in-demand older rigs stay behind.

I mentioned there is a better alternative than a blanket moratorium such as the administration has proposed, and unlimited liability exposure which will basically chase off most of the independent oil and gas companies as proposed by the legislation that we will be considering tomorrow. My trip to this rig and my visits with these workers and these experts in producing this domestic energy source have made me even more convinced that it is an absolute mistake and really, frankly, not very smart, to essentially cut off our domestic oil and gas production from the gulf. Senators VITTER, WICKER, and I have introduced legislation which would lift the Obama administration's blanket moratorium and instead would require companies to go through new safety inspection requirements and then to be certified by third parties, after which the Department of the Interior would have to issue a permit for continued exploration and development of our domestic oil and gas reserves in the Gulf of Mexico.

Our legislation would essentially limit the moratorium and make it easier for good-faith and conscientious operators who are in compliance to get their permits approved quickly and keep the rigs and jobs here at home. Our approach would ensure that operators who are in compliance with safety guidelines have some deadline on when their permits would be considered and keep gulf coast residents, and particularly those who work in the oil and gas industry, at work, and continue to produce American energy and not make it necessary for us to continue to buy that additional amount, in addition to what we already are purchasing, from abroad.

Instead of reconsidering this devastating moratorium, though, I know the majority leader has introduced a bill that would have the Secretary of Energy publish a monthly study evaluating the effect of the moratorium. Well, I have to say we don't need a study to know what the effect of the moratorium is in Louisiana and in Texas, in Alabama and along the gulf coast, because we already know its devastating impact. I wish to invite my colleagues, any of them who wish, to come and talk to some of the folks who work in this industry and to look at the sophistication and the technological expertise that they employ in producing oil and gas in the Gulf of Mexico. I would be glad to help host them.

One example, though. A seismic company in Texas is spending $250,000 a day under a contract with the leaseholder to explore a potential area for oil and gas, but the seismic company can't even get a permit to do the work. I don't know how long they can hold on, how long they can continue to keep people on their payroll if they don't have any work to do. Something has to

give. These hard-working folks who live along the gulf coast don't want to wind up as another statistic on a monthly report on the impact of the moratorium, nor do they want to add to the 9.5 percent unemployment in this country, higher even in some parts of the country; as high as 14.2 percent in Nevada. They want to work. They don't want to collect unemployment benefits. They want to work, and they want to provide for their families. I think they deserve better from their elected officials than this blanket moratorium or job-killing policies which are going to basically move their jobs overseas.

The fact is we need to maintain our position in the gulf. Eighty percent of oil produced in the Gulf of Mexico comes from deepwater reserves now off limits due to the moratorium.

Without this activity, production will fall as much as 100,000 barrels a day by December 2011. To put this into perspective, the United States uses almost 20 million barrels of oil a day and produces nearly 5 million barrels a day, obtaining the rest from imports. The moratorium will not only destroy tens of thousands of jobs; it will leave us more dependent on foreign oil and gas, raising the cost of any products shipped and transported, not to mention travel.

I think Jay Leno basically had it right when he said:

> President Obama said today he is going to use the Gulf disaster to immediately push a new energy bill through Congress. I've got an idea. How about first using the Gulf disaster to fix the Gulf disaster?

That ought to be our focus—preventing recurrences such as we have seen in the gulf—and I think we can do that by the safety inspection mechanism and third-party certification and let's get on with the production of oil and gas from American sources, rather than having to bring it in from abroad.

We need to focus on the problems and look at solving these problems and not use these disasters as a reason to exploit them and to grow government and kill jobs in the meantime.

America's energy security will continue to depend on oil and gas for the foreseeable future. As much as I like the idea that we are developing new energy resources—Texas, for example, produces the most electricity from wind sources of any State in the country—we know that developing these alternative sources of energy is still going to be a long time coming. We need to bridge into that new energy future, and that bridge will continue to consist of American-produced oil and gas.

The question is, Will it be to the benefit of the American people in the form of good-paying jobs and associated revenue or will the misguided policy, included in the bill introduced by the majority leader, ensure that we merely increase our imports that we need and send the good jobs and rigs overseas by this misguided policy?

I hope my colleagues will reconsider this misguided approach that would drive independent oil and gas producers out of the Gulf of Mexico by making it financially impossible for them to purchase the insurance they need in order to comply with an uncapped liability. We know the resources will remain there in the case of another disaster, which we hope and pray will never occur because of the oilspill liability trust fund—again, funded by 8 cents on every barrel produced in America, as well as every barrel imported from abroad. So this isn't eliminating a fund that will actually pay in the event of another catastrophe.

Certainly, we don't ground all airplanes in America or around the world when there happens to be a terrible airplane crash. We look at the problem and try to make sure we understand the reason why it happened, and then we move on and continue flying.

I think the oil and gas industry basically operates the same way. We need to make sure we understand what happened in this spill, do everything humanly possible to make sure it never happens again and make sure BP is held accountable and pays for all the cleanup that needs to be done as a result of this unfortunate incident. But the conclusion we should reach should not be let's shoot ourselves in the other foot by denying ourselves access to American energy and increasing our dependency on imports from abroad and, at the same time, kill jobs along the gulf coast in the oil and gas industry and all those companies and businesses that support the oil and gas industry during a time when unemployment is already at 9.5 percent.

We can do a lot better than what the majority leader's bill proposes and continuing job-killing policies. We can actually do it smarter and better and come up with a real solution rather than creating more problems.

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. ISAKSON. 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.

CONGRATULATING WARNER ROBINS' GIRLS SOFTBALL TEAM

Mr. ISAKSON. Mr. President, I am very pleased to come before the Senate today and commend the Warner Robins, GA, girls softball team that yesterday attended the White House and was honored by President Obama.

The 11- and 12-year-old girls who went all the way last year and this year are in the finals to hopefully do the same thing again. This team of young women is coached by a great group of coaches: Emily Whaley and her assistants, Patti Carriker and Roger Stella.

I commend each one of these young ladies individually: Kaylee Albritton, Sydney Barker, Carson Carriker, Melissa Cox, Sabrina Doucette, Ashley Killebrew, Avery Lamb, Hannah Livingston, Caitlyn Parker, Sierra Stella, Kelly Warner, and Chelsea Whaley.

This is a fine group of young Georgians who went all the way in the Little League level and are about to do it again. In fact, yesterday, as she was leaving the White House, President Obama asked her if there was anything she had to say. Ashley Killebrew said: Mr. President, we are doing really well this year, and we are going to be back next year because we are going to win it again. That is the type of positive attitude in sports that separates the winners from the second-place finishers.

I commend the Warner Robins Little League softball team, young women from Warner Robins, GA. I thank the President for honoring them yesterday at the White House.

BIENNIAL APPROPRIATIONS

Mr. President, we have been going through difficult economic times as a country, not only in our expenditures but in the revenues of our citizens of our States who face higher unemployment, lower productivity, and very difficult economic times.

As I have watched us on the floor time and again deal with paying for new amendments that have been proposed, we are all of a sudden scrambling to find a savings here to borrow from Peter to pay Paul to patch together an appropriations bill that hopefully keeps us out of debt but unfortunately continues to keep us in a downward spiral of borrowing.

I wish to talk today about legislation I have introduced and have been joined by other Members of the Senate, a bill that has a simple proposition to it, and that is that maybe as a government we should start doing what the people of our country have to do—determining how much we take in, prioritizing what we spend—and get back into balancing our budget, while providing oversight on what we spend to see where savings can come from.

There is a great American who has a syndicated radio show called Dave Ramsey. I don't know how many of my colleagues have ever heard him. He started Financial Peace University. He started it after he went bankrupt in the real estate business. He did a great job in real estate on the way up but leveraged himself all the way, so when times got tough and the leverage was too difficult, Dave Ramsey went bankrupt. After a couple years of struggling, he got himself back together and built himself a large company on the basis of a philosophy of staying out of debt and spending within your means. I commend everybody to look at his proposals, read his book, or attend Financial Peace. It is really an interesting concept because it works.

Dave Ramsey suggested that what you really ought to do when you get

into economically difficult times and you owe more than you take in is sit down and say: All right, what do I make? And you write that down. You write down what you have to spend—utilities, food, whatever it might be—and then see what is left over. If nothing is left over, then you have to take the things you are spending on and don't have the money for and have been borrowing and begin to cut it piece after piece, so that each month and year you live on a budget that is not predicated on going into debt and living beyond your means.

We as a country must do the same. There may be an exception, obviously, for war. There may be an exception, obviously, if there is a significant terrorist attack or a tremendous international incident or a natural incident that takes place that might demand some short-term appropriations. But in the general expenditures of government, we have to get back to the business of spending within our means.

How do we do that? We have 12 individual appropriations bills or an omnibus bill that rolls in at the end of the year talking about spending $3.6 trillion. We cannot do it that way. We have to have a process where we are able to examine on what we are spending money, quantify how much money we are going to take in, and balance the two numbers so we do not go into debt.

My suggestion and what I want to talk about is a biennial budget or appropriations, a change in the way we do business and how we do it, which I believe will result in less debt, more reasonable spending, and a more rational expenditure by the U.S. Government. First of all, it is predicated on appropriating for 2 years rather than 1 year. The appropriations years should be the odd-numbered years, and the even-numbered years should be dedicated to oversight.

I know the distinguished Presiding Officer, as I do, sits on a number of committees. Every now and then, we will have an oversight meeting, but more often than not, oversight gets left out because the focus is on what we are going to spend next or what project is going to be added to what we spend our money on. That process itself builds more debt, builds a bigger appropriations act, and never allows us to do those things we should be doing; that is, focusing on prioritizing the expenditure of our money.

We all know, because from time to time we have found them, there are savings in the appropriations. We know that from time to time in oversight, we find dollars we did not realize we had. We need to make it a part of our culture in the Congress of the United States that when the even-numbered years come, two things ought to be happening: One, Congress ought to be doing oversight of its expenditures, and second is running for office. I would love to see a time when running for office is in a year when we are doing oversight so we are focusing more on what we are saving the American taxpayers than what we are going to spend to try to impress them to get their vote one more time.

We have a serious, difficult problem in our country. We have a debt of $13 trillion. I am going to be the first—not the first who ever said this. I am not going to let this speech end without saying it. I voted against appropriations bills under President Bush, and I voted against them under President Obama. I am not taking a target at anybody. We all have a responsibility, and it is time we focused on a way to start saving rather than continuing to spend.

I would like nothing better than that focus on savings to take place in the same election year where everybody is running to be reelected to come back and do the job. We would change the dynamics and paradigm of Congress toward a focus on savings rather than a focus on expenditures. Will it be difficult? Yes, but it is going to be a whole lot more difficult very soon. Our country owes $13 trillion today and is moving toward a number that could be as high as $19 trillion before the end of the next decade.

To put in perspective how much that is, I will tell a short story. I was in Albany, GA, making a speech at the end of last year, and I referred two or three times to $1 trillion.

At the end of the speech, this farmer raised his hand and said: Excuse me, Senator, can I ask a question?

I said: Sure.

He said: How much is 1 trillion?

I don't know if you ever thought about it, Mr. President, but when somebody asks you a question like that, you try to come up with a comparison to explain, and it is hard to do, and I had a difficult time. In fact, I fumbled around, and I am not sure I ever did a good job of quantifying how much 1 trillion really is.

I got home and talked with my wife. I said: I got stumped today, sweetheart.

She said: What happened?

I said: I was on the stump in Albany and was asked by a farmer to explain what 1 trillion was, and I couldn't quantify it. I didn't know a good comparison.

In her own inimitable way, she said: Why don't you figure out how many years have to go by for 1 trillion seconds to pass?

I thought, that is a great idea. I got a calculator out and multiplied 60 seconds times 60 minutes to get the number of seconds in an hour. I multiplied that times 24 to get the seconds in a day. I multiplied that by 365 to get the number of seconds in a year. And then I divided that product into 1 trillion.

Mr. President, do you know how many years have to go by for 1 trillion seconds to pass? It is 31,709 years. We owe $13 trillion. We are at a point where we are going to go one way or another. Fortunately, we are recognizing that we are at that point.

I submit one of the keys to stopping the growth of debt and improving the plight of our country in the future for our children and grandchildren is to begin spending within our means. And it takes a process such as a biennial budget or biennial appropriations where we combine the responsibility of spending with the absolute responsibility of oversight.

Everybody in America today during these difficult times is looking at where they spend their money, and they are trying to find savings. They are trying to find those places they can better allocate their money so they are not going into debt, not borrowing, and not raising the prospects of debt in the future. The American Government ought to be doing the same thing.

I voted for the supplemental for our troops in Afghanistan last week, and we will do it again. That is a special appropriation for our men and women, who deserve that backing at a time we commit them to war. We are not always at war. War is a special and difficult time, and we ought to give our troops the support they need. But in every other case, it ought to be an expenditure that is based on the priorities of what are the most important things we should be doing. When we find those things that do not meet that test through oversight, that is where we begin the cutting process. Over time, the process is motivated toward savings, motivated against borrowing, and motivated for a balanced budget. I submit that we can talk about it all day long, but until we put it in a framework that brings about that type of process, we will never really do it.

The biennial budget with appropriations in odd-numbered years and oversight in even-numbered years ensures we begin in an election year being accountable to the electorate on what we are spending. And in those off years when we are appropriating, we are doing it based on the previous year's oversight, so we know the effectiveness of the department we are appropriating the money for and whether it was prioritized appropriately the way it should have been.

At a time when we are focusing on spending money, focusing on an appropriations act which will come up this November after the elections, I think we can look this year at going to a biennial budget process in future years so that instead of rolling everything into an omnibus bill after the elections, we have a process that ensures it is done systematically, as it should be, in odd-numbered years for appropriations and in even-numbered years we are doing oversight, so our election is based on accountability of spending money, not how much we can borrow and how much we can spend.

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 bill clerk proceeded to call the roll.

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

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

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the Senate floor again today as someone who has practiced medicine in Casper, WY, taking care of families there since 1983. I come also as the medical director of the Wyoming Health Fair and someone who has brought low-cost blood screening to people, looking for ways to help with early detection of medical problems, whether it is high blood pressure or diabetes or cancer because so often early detection means early treatment and, as a result, longer survivability and better care.

So I come to the floor of the Senate today with a doctor's second opinion about the health care law that was signed by the President a little over 100 days ago. The goal, of course, of health care reform was to lower the cost of care, to increase the quality of care, and to increase the access to care around the country. Since this bill was signed into law, we have heard week after week of new unintended consequences. We hear the personal stories of people whose lives have been affected because of the law, whose lives have been impacted by the unintended consequences of the law.

During the entire debate, I was concerned if the legislation passed and became law that it would be bad for patients relying on our health care system, bad for providers—the nurses and the doctors in this country who take care of patients—and bad for payers because I believed the law would drive up the cost of care, making insurance more expensive, and also have an impact on the taxes people would pay. So I have come each week, as I do today, with this doctor's second opinion of things that have happened during the past week; new things that we have learned about the health care law and what is happening with trying to provide health care to so many Americans but also people worldwide.

As part of the discussion of this health care law, there was a discussion about the Canadian health care system and the British health care system. We now have in charge of Medicare and Medicaid in this country someone who has said he is in love with the National Health Service, which is the British health care system. So, Mr. President, I come to the Senate floor today having come across an article in a British paper—the Sunday Telegraph—about their National Health System—a system who some in this country have held up as a model. It is a system I look to as one that results in people having care delayed and care denied.

When I look at the survivability of patients after, say, cancer in the United States, we know patients with cancer survive longer in the United States than in Britain or in Canada, and not because our doctors are better but just because people receive more timely care.

Mr. President, I am going to quote from this article, but I ask unanimous consent to have printed in the RECORD the entire article.

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

(See exhibit 1.)

Mr. BARRASSO. Mr. President, this article, as I said, is from the Sunday Telegraph, and the headline is ''Axe falls on NHS services.'' This is dated July 24, and it talks about some of the most common operations performed in England, including hip replacements and cataract surgery. I am an orthopedic surgeon, so I have done many hip operations, but this is what the article says:

> Many of the most common operations—hip replacements and cataract surgery—will be rationed as part of attempts to save billions of pounds, despite government promises that front-line services would be protected. Patients' groups have described the measures as ''astonishingly brutal.'' An investigation by The Sunday Telegraph has uncovered widespread cuts planned across the National Health Service, many of which have already been agreed by senior health service officials. They include: Restrictions on some of the most basic and common operations, including hip and knee replacements, cataract surgery, and orthodontic procedures. Plans to cut hundreds of thousands of pounds from budgets for the terminally ill, . . . the closure of nursing homes for the elderly . . . a reduction in acute hospital beds, including those for the mentally ill.

The article goes on:

> Thousands of job losses at NHS hospitals, including 500 staff to go at a trust where cancer patients recently suffered delays in diagnosis and treatment because of staff shortages.

They are cutting 500 more staff positions there. The article continues:

> The Sunday Telegraph found the details of hundreds of cuts buried in obscure appendices to lengthy policy and strategy documents published by the trusts. In most cases, local communities appear to be unaware of the plans.

When we read on in this article, it is very disturbing. If I were living in Britain, I would be very disturbed. As someone living in the United States, with a new person now in charge of Medicare and Medicaid who has said he loves what is happening in the British health care system, I have great concerns.

The article also says:

> As well as sending more patients home to die, the paper said the savings would be made by admitting fewer terminally ill cancer patients to hospital because they were struggling to cope with symptoms such as pain. Instead, more patients would be given advice on ''self management'' of their condition.

In other words, essentially telling them to go it alone. These are very disturbing words and a very disturbing situation now occurring in Britain.

Next, there is an article that appeared in Tuesday's New York Times—yesterday's New York Times—entitled ''Settling Down to a New Job, but Hampered by Old Words.'' This is an article about the new Director of Medicare and Medicaid. This article by Robert Pear talks about the fact that the new administrator has never had a confirmation hearing, never had a confirmation hearing and never had to respond to the American people through Congress to the questions that the American people have about the person who is newly in charge of Medicare or Medicaid, especially when we see the hundreds and hundreds and hundreds of billions of dollars spent every year by Medicare and Medicaid.

The article says he never had a confirmation hearing and has not responded publicly to critics. It goes on to say:

> The White House has declined to make him available for an interview.

Amazingly, the budget—we hear so much about the Pentagon and the military budget—but, amazingly, the budget of Medicare and Medicaid is larger than the budget for the Pentagon. Here we have someone newly appointed, in a recess appointment, someone in charge of Medicare and Medicaid at a time when this Congress, through its action and the laws signed by the President, cuts $500 billion from our seniors on Medicare and does it without having someone come and explain to Congress how he plans to keep the quality of care up or try to keep the quality of care up at a time with such cuts—not to save Medicare but to start a whole new government program.

Dr. Berwick, it goes on to say, ''has received an honorary knighthood from Queen Elizabeth II in 2005,'' because of his love of the British health care system. In fact, they quote him here in this article saying, ''I am romantic about the National Health Service.'' He says, ''I love it.''

The other thing so interesting, at this time in the history of the United States, is we now have someone in charge of Medicare and Medicaid who says that ''any health care funding plan that is just, equitable, civilized and humane must—'' and he repeats the word ''must''—''must redistribute wealth from the richer among us to the poorer. . . .''

It is no surprise that this week in a report out Monday, 58 percent of Americans, in a Rasmussen poll, favor repeal of the health care law. Fifty-eight percent of Americans favor repeal of a law that was forced down their throats, with people around the country saying no, don't do this to us, we do not want to go in that direction. But this Congress, this body, felt it knew more than the American people.

I talked a little bit about the British health care system. People also look to

Canada where, as the President said to us when we had our roundtable discussion in January, the summit at the White House, he said: Everybody in Canada gets coverage.

There is a big difference between coverage and care. It is interesting where things are turning in Canada. It is in Regina, which is the birthplace of Canada's socialized health care system. That is where, in 1962, the bill was passed and the law was signed for a government-run health care system. Now the health care plan there is contracting out CT scans to the private sector. They are contemplating private reforms because the government system is failing.

Some people say: But in Canada everybody has a doctor. According to the Canadian Medical Association, this report shows 4 million to 5 million people still do not have a family physician.

By the government's own standards in Canada—and that is a government and those are standards where they are used to waiting in line, where they expect long delays—even according to their own standards they are saying the Canadians are now waiting too long for care. This is even after massive increases in spending.

They go on to talk about how much better the care is in the United States, in terms of surviving cancer, surviving heart attacks, surviving transplants—because in America there is greater access to preventive screening tests and higher treatment rates for chronic illnesses. So Canada is rethinking their system. Britain has announced they are rethinking their system under the new Prime Minister there, and the new government. They are cutting significantly more.

That brings us back to Dr. Berwick, who said ''the decision is not whether or not we will ration care, the decision is whether we will ration with our eyes open.''

It is no surprise that many people across this country view this nominee the same way that a former nominee who received a recess appointment was viewed. I will quote at the time Senator Obama when he was talking about a recess appointment made by then President Bush. He talked about the appointee, saying, ''He's damaged goods. He'll have less credibility.''

That gets back to the New York Times headline, ''Settling Down to a New Job But Hampered By Old Words.''

Does the public deserve a hearing for this Medicare appointee? Does the public deserve a hearing? Do they have a right to hear what this man has to say? According to the Washington Post, in a headline of their July 23 editorial, ''The public deserves a hearing for a Medicare appointee.''

This goes on and says, in explaining his move to sidestep the Senate:

> President Obama said in explaining his move to sidestep the Senate and use a recess appointment to install Donald Berwick to run Medicare and Medicaid—they had some reasons.

But they go on to say:

> Mr. Obama's hurry would have been more understandable had he not waited for more than a year to select an administrator. . . .

Now the President has resubmitted Dr. Berwick's nomination, as is the general practice here, and those Members of this body and specifically those on the Senate Finance Committee, want and have made a reasonable request for a confirmation hearing. Still, none has been planned.

It is interesting because the American people still want to know more about this nominee, what his beliefs are, and what we have to go by are the quotes. I have gone through a number of them now.

The question comes also to what questions does Dr. Berwick not want to answer. When one looks into the past, you say: He is a doctor, he is going to be involved with health care, he is going to likely have to live under the system with Medicare and Medicaid. I am sure he is not going to establish something that is going to impact his health personally. But that gets back to the source, where Dr. Berwick has come from. It turns out Dr. Berwick does not need to worry about those things. He does not have to deal with the anxieties the rest of America deals with, created by limited access to care and the extent of coverage. I am reading now from an article from Washington, from the Examiner:

> As it turns out, Berwick himself does not have to deal with the anxieties created by limited access to care and the extent of coverage.

It goes on to talk about a ''special benefit conferred on him by the board of directors of the Institute for Health Care Improvement,'' where he came from, ''a nonprofit health care charitable organization that he created and which he served as chief executive officer.''

He and his wife will have health coverage ''from retirement until death.'' He has now retired to come work for the government, to be the head of Medicare and Medicaid. According to page 17 of his employment contract, under postretirement health benefits, ''health care coverage from retirement until death.''

How many others can look for that sort of benefit who are working for nonprofit charitable organizations? Maybe he does not want to answer those questions. The Senate has a right and the American people have a right to ask the questions.

I also found it interesting that for somebody at a nonprofit charitable organization, that that benefit of health care from retirement until death went along with the salary he earned. His compensation in 2008—$2.3 million, in a nonprofit charitable organization. I think it is reasonable for people to want to ask the questions, where does the $12 million in contributions come from? Where are the grants? How did it come in? What impact are those people going to have and try to have on you as you work on rules and regulations in Medicare and Medicaid? Those are reasonable questions that the American people would want to have answered, yet we do not have the answers.

As a doctor, I go home every week, visit the people in Wyoming, and visit with doctors and nurses and patients. One of the things that strikes me is the last report—they talk about side effects. ''Obamacare,'' it says, ''Could Punish Docs for Better Quality Care.''

That is what I hear about the most at home from doctors who are taking care of their patients, saying: I do a good job, I do everything I can. Yet the rules and regulations are going to punish me for doing what I know is right for my patients.

Part of that is rules and regulations that are coming out of Medicare and Medicaid and the Secretary of Health and Human Services who is developing these with financial incentives dealing with patient outcomes. One of the things they want to do is punish people, punish physicians and hospitals by penalizing them if a patient returns to the hospital after they have been discharged within a certain number of days.

One of the finest hospitals in this country is the Cleveland Clinic, specifically relating to heart conditions. People from around the world—kings, sultans, queens—come to the Cleveland Clinic. Some fly in in their private jets. Why? Because of the quality of care at the Cleveland Clinic—very understandable.

It is interesting, when the Cleveland Clinic took a look at their numbers, seeing how they are likely to do under the scenario that the Secretary of Health and Human Services says is the way to improve care in this country, the clinic found—it has to do with people with heart failure, people who are being readmitted to the hospital, patients with heart failure. It is considered to be a sign of poor quality care when a heart patient must be readmitted for further treatment.

What the clinic did is they studied their readmission rates and they found that their readmission rate, in a 30-day period, was actually much higher than the national average. So they must not be a very good hospital, according to the Secretary of Health and Human Services, because that is how they are being judged.

But when you look at the Cleveland Clinic in terms of how the patients do, how many live for much longer, what we find out is that the survivability of the patients at the Cleveland Clinic is also much longer. More people survive. The results are better. So if you are a patient with heart failure, you want to go to the Cleveland Clinic. If, on the other hand, you are somebody who works at Health and Human Services and are just keeping the records, they are going to say: You don't want to go there because some people come back into the hospital.

Once again, we have a situation where government is saying one thing

and people—doctors, nurses, patients, families—know that the government is wrong and we should trust the doctors to make the right decision.

That is why I return to the floor today to say it is time to repeal and to replace this health care law. We need a patient-centered health care bill. We need to replace anything that is either insurance company centered or government centered, and be patient centered. We can do that by allowing patients to buy insurance across State lines, to give people who buy their own health insurance the same tax breaks that the big companies get; by providing individual incentives for people who stay healthy, take preventive measures, lose weight, get their diabetes under control, get their blood pressure down, quit smoking—provide those incentives because that will lower the cost of care.

We need to deal with lawsuit abuse and the expenses of unnecessary tests provided by doctors practicing defensive medicine. We also need to allow small businesses to join together to buy health insurance much more effectively.

Those are the things that will work to get down the cost of care, increase the quality and increase the access. That is why today I offer my second opinion: It is time to repeal and replace this health care law.

EXHIBIT 1

AXE FALLS ON NHS SERVICES

(By Laura Donnelly, July 24, 2010)

NHS bosses have drawn up secret plans for sweeping cuts to services, with restrictions on the most basic treatments for the sick and injured.

Some of the most common operations—including hip replacements and cataract surgery—will be rationed as part of attempts to save billions of pounds, despite government promises that front-line services would be protected.

Patients' groups have described the measures as ''astonishingly brutal''.

An investigation by The Sunday Telegraph has uncovered widespread cuts planned across the NHS, many of which have already been agreed by senior health service officials. They include:

Restrictions on some of the most basic and common operations, including hip and knee 7 replacements, cataract surgery and orthodontic procedures.

Plans to cut hundreds of thousands of pounds from budgets for the terminally ill, with dying cancer patients to be told to manage their own symptoms if their condition worsens at evenings or weekends.

The closure of nursing homes for the elderly.

A reduction in acute hospital beds, including those for the mentally ill, with targets to discourage GPs from sending patients to hospitals and reduce the number of people using accident and emergency departments.

Tighter rationing of NHS funding for IVF treatment, and for surgery for obesity.

Thousands of job losses at NHS hospitals, including 500 staff to go at a trust where cancer patients recently suffered delays in diagnosis and treatment because of staff shortages.

Cost-cutting programmes in paediatric and maternity services, care of the elderly and services that provide respite breaks to long-term carers.

The Sunday Telegraph found the details of hundreds of cuts buried in obscure appendices to lengthy policy and strategy documents published by trusts. In most cases, local communities appear to be unaware of the plans.

Dr. Peter Carter, the head of the Royal College of Nursing, said he was ''incredibly worried'' about the disclosures.

He urged Andrew Lansley, the Health Secretary, to ''get a grip'' on the reality of what was going on in the NHS.

The Government has promised to protect the overall budget of the NHS, which will continue to receive above-inflation increases, but said the service must make ''efficiency savings'' of up to £20 billion by 2014, which would be diverted back to the front line.

Mr. Lansley said last month: ''This protection for the NHS is protection for patients—to ensure that the sick do not pay for the debt crisis.''

Dr. Carter said: ''Andrew Lansley keeps saying that the Government will protect the front line from cuts—but the reality appears to be quite the opposite. We are seeing trusts making job cuts even when they have already admitted to being short staffed.

''The statements he makes may be well intentioned—but we would implore him to get a grip on the reality, because these kinds of cuts are incredibly worrying.''

Katherine Murphy, of the Patients Association, said the cuts were ''astonishingly brutal'' and expressed particular concern at moves to ration operations such as hip and knee operations.

''These are not unusual procedures, this is a really blatant attempt to save money by leaving people in pain,'' she said.

''Looking at these kinds of cuts, which trusts have drawn up in such secrecy, it particularly worries me how far they disadvantage the elderly and the vulnerable.

''We cannot return to the days of people waiting in pain for years for a hip operation or having to pay for operations privately.''

She added that it was ''incredibly cruel'' to draw up savings plans based on denying care to the dying.

On Thursday, the board of Sutton and Merton primary care trust (PCT) in London agreed more than £50 million of savings in two years. The plan included more than £400,000 to be saved by ''reducing length of stay'' in hospital for the terminally ill.

As well as sending more patients home to die, the paper said the savings would be made by admitting fewer terminally ill cancer patients to hospital because they were struggling to cope with symptoms such as pain. Instead, more patients would be given advice on ''self management'' of their condition.

Bill Gillespie, the trust's chief executive, said patients would stay at home, or be discharged from hospital only if that was their choice, and would be given support in their homes.

This week, Hertfordshire PCT plans to discuss attempts to reduce spending by rationing more than 50 common procedures, including hip and knee replacements, cataract surgery and orthodontic treatment.

Doctors across the county have already been told that their patients can have the operations only if they are given ''prior approval'' by the PCT, with each authorisation made on a ''case by case'' basis.

Elsewhere, new restrictions have been introduced to limit funding of IVF.

While many infertile couples living in Yorkshire had previously been allowed two cycles of treatment—still short of national guidance to fund three cycles—all the primary care trusts in the county are now restricting treatment to one cycle per couple.

A ''turnaround'' plan drawn up by Peterborough PCT intends to make almost £100 million of savings by 2013.

Its cuts include closing nursing and residential homes and services for the mentally ill, sending 500 fewer patients to hospital each month, and cutting £17 million from acute and accident and emergency services.

Two weeks ago, Mid Yorkshire Hospitals trust agreed plans to save £55 million in two years, with £20 million coming from about 500 job losses.

Yet, a month before the decision was taken, senior managers at a board meeting described how staff shortages were already causing delays for patients being diagnosed and treated for breast cancer.

Mr Lansley said any trusts that interpreted the Government's demands for efficiency savings as budget or service cuts were wrong to do so, and were ''living in the past''.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

HEALTH CARE

Mr. CARPER. Mr. President, I was going to talk about small business lending and some ideas about how to get our economy moving again. I feel compelled to say something. I had the privilege of visiting, almost a year ago, the Cleveland Clinic. The Cleveland Clinic is one of a number of well-known, highly respected health delivery systems in this country—the Cleveland Clinic, the Mayo Clinic, Geisinger, which is in Pennsylvania, Intermountain up in Utah, Kaiser Permanante out in northern California, and several others. They have demonstrated the ability to provide better care for less money. Think about that. Better care, better outcomes, for less money.

Their reputation is well known in this country, along with Mayo and some of the others I have mentioned. So I had an opportunity to go visit, go along with a member of my staff, Racquel Russell. We went and spent a day and actually stayed into the evening. It was so fascinating.

What we learned was that if we look at the health care delivery systems, including the Cleveland Clinic I just mentioned, try to look and drill down on why they are able to provide better health care, better outcomes for less money, they have a lot of things in common with one another. I want to mention some of them.

They focus on primary care, access to primary care. They like to catch problems when they are small, easy to repair, easy to cure. They focus big time on preventive care, making sure when people are the right age, they get colonoscopies or they have mammograms, and just a variety of other tests. They use preventive medicine to catch things when they are early.

If prescription medicines, pharmaceuticals can be helpful in controlling particular cases, they make sure people have access to that medicine. They actually coordinate care across not just doctors that happen to maybe be in oncology but doctors and nurses who are in different parts of medicine. It may be oncology, maybe it deals with pulmonary disease, dementia.

They do a better job working across medical lines than we work across party lines some days. But they do a very good job of coordinating care with different aspects of their health care delivery system. They have gotten away from what we call fee for service. Here we have something called fee for service. If the Presiding Officer, instead of being a Senator were a doctor, and I were a patient, I would come to see him. Every time I would come to see him, he would get paid. He would get paid for each visit. If he actually owns the lab he refers me to, every time he refers me to the lab for tests he gets some remuneration for that. If he has an interest in an imaging center, and I go for x rays or for MRIs or that kind of thing, then that is called fee for service.

What happens in a number of places in our country, not all, is sometimes the doctors will, in an effort partly to make sure they do not get sued, and partly to make sure they are doing the best job they can to cure people, and in other cases there is some financial incentive, just refer people to maybe more visits, more tests than they really need. That is called fee for service. That helps drive the cost of our health care system. They do not have that problem at the Cleveland Clinic.

I remember listening to an interview on television with a cardiologist at Cleveland Clinic, on CNN last year, before I went for the visit. He said: I am a cardiologist. He said: I am here at the Cleveland Clinic. I used to have my own practice. It used to be in my old practice I got paid—largely my salary came out of operating on hearts. He said: People came in and they were overweight or bad diet, bad fitness, and that kind of thing and just were not taking care of themselves, were not taking the right kind of medicines. I would urge them to do the right thing. But, he said, at the end of the day, if they did not do it, I would operate on their hearts, and that is how I made the bulk of my income.

He said: Here at the Cleveland Clinic, when somebody comes to me with a heart problem, at the end of the day, I may operate on their heart. But we work very hard to make sure they are fit, that they are eating the right food. We work hard to make sure they are involved in some kind of appropriate exercise regimen. He said: We work hard to make sure they are not only prescribed the right medicines, they actually take the right medicines and do all of those things.

He said: I get paid pretty much the same amount of money whether I am treating a patient that way or if I am operating on their hearts. I probably operate on fewer hearts today, but I think we get a better outcome for less money.

One of the things I learned at the Cleveland Clinic that day is all of the amazing things they do to harness information technology for the delivery of health care. I was in a Walgreens drugstore in Seaford, DE, about a week or two ago and had an opportunity to see how at the other end—in this case we will use pharmaceuticals—but this is a way to use information technology to drive down health care costs.

Anybody who was ever had a prescription given to them, written by a doctor, sometimes you look at it, you read it and say: What is this? Is this a prescription or does this say Alpo? What does this actually say? It is hard to read. My handwriting is not the best, but I read some others that are even harder than mine to read.

At the Cleveland Clinic, they do not handwrite prescriptions; they do electronic prescriptions so there is no mistake. They are smart enough with their IT system that all of their patients have electronic health records. So they have the full health care picture of their patient.

Not only that, if they were going to prescribe something, a medicine—let's say a patient is already taking 10 medicines. Whatever new ones they are prescribing, their IT system looks at the other 10 medicines. They look to see whether the new prescription is compatible with medicines they are already taking. They do not want to prescribe medicine that creates more problems than actually helps people.

Also, they have the ability—a bunch of our leading health care delivery systems—to know when a prescription has been ordered or that it has actually been picked up; that it has been filled and someone is taking it. They have the ability to know whether someone, if they are supposed to get refills in so many days, if someone actually refills the prescriptions and continues to take the medicines they are supposed to be taking. If they do not, they get a call from their health care delivery system, clinic, hospital, or doctor's office.

We are getting smart enough now, after mapping the human genome, to actually know what medicines—let's say the Presiding Officer and I have the same health condition, but we have a different genetic makeup. He can take this medicine, and it will make him well. I can take this medicine all day, all week, all month, all year, and it will never help me at all. We have the same problem, but because of our genetic makeup it will help him but it will not help me.

We are smart enough now to start figuring this stuff out. We are making sure that not only people are taking the medicines they need to take, but they do not interact badly with other medicines; that they continue to take the medicines they are supposed to be taking. But we stop spending money on medicines that are not going to help people and spend that money in ways that will help them and continue to provide the money for medicines that will help someone who has the right genetic makeup.

My colleague who spoke before me said we need to sell insurance across State lines. Well, one of the things we do in terms of things that work, we have a big purchasing pool that all Federal employees are part of, the Federal Employees Health Benefits Plan. We buy our health insurance from an 8 million-person purchasing pool, 8 million people. We do not have 8 million Federal employees, but if we add up all Federal employees, all Federal retirees, all of our dependents, it adds up to 8 million people. That is a large purchasing pool. We buy private health insurance from all kinds of private health insurance companies. They compete with each other, and it drives down prices. We have a large purchasing pool, economies of scale. The administrative cost for our purchasing pool is 3 percent; 3 percent for every premium dollar goes for administrative cost.

If you go out on your own and try to buy health care in the DC area or back home in Delaware or Illinois or wherever you are from, administrative cost for an individual, for a family, for a small business, is more like maybe 23 percent of premiums or 33 percent. But they are not 3 percent.

What we call for in our legislation, this new law, we want to create these large purchasing pools all across the country. Every State is going to be required to establish, by 2014, a large purchasing pool that individuals can join, families can join, small businesses can join to buy their health care. If it is a little State like Delaware, we are too small to have a big purchasing pool. But under our legislation, we can enter into an interstate compact with our neighbor, Maryland, or maybe with Pennsylvania, or maybe with New Jersey, or maybe with all of them and create a large regional purchasing pool, be able to drive down administrative costs, increase competition.

Listen to this, to my colleague's point: sell insurance, health insurance, across State lines. We have a four-State exchange or purchasing pool. The insurance sold in Delaware could be sold in Maryland; it could be sold in Pennsylvania; it could be sold in New Jersey, and vice-versa, to drive down costs.

My colleague mentioned we ought to incentivize people who take better care of themselves. Well, Senator ENSIGN of Nevada and I offered, and it was adopted and is part of the law today, something that says employers can offer premium discounts to employees who are overweight and lose weight, keep it off; employees who smoke, stop smoking, continue to stop smoking; employees who have high blood pressure, high cholesterol, if they bring it down, keep it down, they can receive premium discounts through their employer by as much as 30 percent for those employees to incentivize them to take better care of themselves and be less of a health risk.

A lot of the problems we have with health care today in this country flow from the fact that we are overweight. One-third of us are overweight or on

our way to being obese. Almost one-third of us are obese, kids too.

We actually have done in the legislation what my colleague was calling for, incentivize people to take personal responsibility. If they do that, they are better off. He also mentioned medical malpractice reform. We actually included in the legislation medical malpractice reform based on earlier proposals by Senator MIKE ENZI, also from Wyoming, and Senator MAX BAUCUS. They are in the bill. I think they are going to give us a lot of good ideas of what is working to do three things across the country: One, reduce medical malpractice lawsuits; two, reduce the incidence of defensive medicine; and, three, provide better outcomes. We will be seeing results of some very exciting things done in Delaware and other States to be able to emulate Michigan among those other States.

I did not come to the floor to talk about that. But when I hear stuff like this, I say: Someone needs to set the record straight. As a guy who is on the Finance Committee, I worked a lot on the legislation and focused on, day after day, month after month, trying to figure out how to provide better health care for less money, looking at other the Cleveland Clinic or Mayo Clinic or other entities, or looking at other countries, such as Japan. They spend half as much for health care as we do. Eight percent of gross domestic product is what they spend. We spend 16 percent. They get better results: lower rates of infant mortality, higher rates of longevity. They get better results. They cover everybody. We have about 30 to 40 million who are not covered.

So for us to say, well, we will just go willy-nilly on for the rest of this decade or this century and pretty much do what we have been doing, that is foolish. Ironically, some of things that my colleague was recommending, we are actually doing in the legislation and will be rolling out and doing more in the years to come.

The last thing I want to say before I move to small businesses and job creation is Dr. Donald Berwick has been nominated to be the head of CMS, which is the entity that oversees Medicare and Medicaid. One of the people I most respect in trying to learn about health care and health care delivery, finding out how we provide better outcomes for less money, is a guy named Mark McClellan. Mark McClellan, when I first met him, was a health adviser to former President George W. Bush. He ended up being the head of the Food and Drug Administration. I think for a while he was the head of CMS, the position to which Dr. Berwick has been nominated.

Among the people who have recommended Dr. Berwick highly for this position is Mark McClellan, who is an economist, who is a physician, who has actually run a couple of big Federal agencies. I think it would be smart to listen to a fellow who actually worked in a Republican administration, had the President's ear, and served us very well in some high-level positions, including the same agency, CMS.

It would be smart to listen to Mark McClellan. I think I might have misheard, but I thought there was an assertion that Dr. Berwick and his wife had worked for a nonprofit and he had health care insurance for the rest of his life, up to death.

I would just think, for the folks who serve here today, who served in wars—we have people who have earned the Congressional Medal of Honor for their service in World War II, folks who were prisoners of war in Vietnam and served, gosh, 20, 30 years and more in some cases in the military. They have lifetime insurance as well—not from being in the Senate but from the work for nonprofit; whether it was a State government or Federal Government or local government. I do not think there is anything that is so unusual about that. Should they be disqualified from being a Senator because they have lifetime health care because of their service or because they were Governor of a State or attorney general of a State? I do not know if that makes a whole lot of sense.

So I did not come here to talk about any of this, but I just felt compelled to mention these things.

Let me pivot, if I can, and just take 5 minutes to talk about small business. Mark Zandi is an economist, a smart one too. He started something called moodyseconomy.com. He comes and speaks to not just our caucuses, Democrats in the Senate, but he was, during the Presidential campaign in 2008, an economic adviser to JOHN MCCAIN, very well respected. He just calls them like he sees them, calls them like he sees them.

We asked him earlier this year: Well, why are we not seeing—even though job loss is way down, where 18 months ago we lost 700,000 jobs a month, last month we actually gained 50,000 or 60,000 jobs or so. I think that is about what we are averaging for the first part of this year. We want to do better than that. It is not like losing 700,000 jobs a month. So we have made improvements.

But we asked him: Dr. Zandi, why aren't big businesses hiring?

He said: Uncertainty. Businesses like certainty. There is too much uncertainty. He said this earlier this year. There is uncertainty about what, if anything, you all are going to do about health care; drive down costs, better outcomes, drive them down. What are you going to do about financial regulatory reform, Wall Street? What are you going to do about deficit reduction? What are you going to do about climate change, global warming, energy policy?

What are you going to do about transportation policy? What are you going to do about a variety of things but those major things I have just mentioned.

Dr. Zandi's counsel is: You want big companies to start hiring? They are making money. You want them to start hiring people? Address the uncertainties.

So we have addressed the uncertainty with health care, not to everyone's satisfaction, but it does a lot more good than bad. We have addressed the uncertainties with respect to financial regulatory reform. I think it does more good than bad. Not everyone shares that view, but I think it does. We are trying to address with our legislation today and this week, this month, next month, something called tax extenders; a lot of tax cuts, tax credits that expired at the beginning of this year, such as the R&D tax credit and biodiesel tax credit. A bunch of them are expired and have been expired for 7 months. We need to provide some certainty so that businesses and families know what to plan for and do.

We need to provide some certainty so businesses and families know what to plan for and do. Mark Zandi said those are the concerns for big businesses that want to start hiring, to address the uncertainty, and to provide predictability and certainty.

We said: How about small businesses?

He said: Unlike big businesses—a lot of big businesses are reporting pretty big earnings levels—a lot of small businesses are not doing so well. One of the things that small businesses need is better access to capital. They need to be able to borrow money and raise money, whether they want to buy or rent a building, buy new equipment for their building, whether they want to buy transportation equipment, trucks or whatever, forklifts, whether they just need money for working capital. Small businesses need access to capital.

There is not a perfect solution for that problem, but that is a big problem for small businesses, and access to capital is not the solution for every small business, but it is for a number.

The legislation before us seeks to address that need for small businesses. I will take a moment and read through a couple items in the legislation that commend it to the Senate and to our acting on it soon.

This bill has about $12 billion in tax incentives to help boost investment in small businesses and promote entrepreneurship. The bill eliminates the capital gains tax on small business stocks for people who purchase these stocks this year and hold them for 5 years. This legislation will encourage more people to invest in small businesses and will help give these businesses the capital they need to grow and create new jobs. The legislation also allows more small businesses an immediate tax write-off. We call this expensing for upgrades in their buildings and equipment. If they buy a building, a business, they usually have to depreciate it over a period of years. This legislation allows small businesses that make a capital expenditure, whether it is a

building or equipment, to write it off in the first year. That is a great incentive to making major investments. This kind of tax break will encourage businesses to purchase everything from new software and computers to buildings, new roofs, windows, and vehicles. At the same time, it will encourage hiring in industries that sell those products.

The bill before us fosters the next generation of entrepreneurs by temporarily doubling the tax incentive, an existing tax incentive from $5,000 to $10,000 to incentivize entrepreneurs to start a new business. We call this the startup deduction. This increase will help offset the high cost of launching a new company.

These ideas, along with many other bipartisan tax breaks in the bill, will encourage smaller employers to create jobs. It will strengthen capital investment and ultimately move the economy forward on the road to recovery.

(Mr. MERKLEY assumed the chair.)

The bill also includes what we call a Small Business Lending Fund to help our Nation's struggling small businesses succeed. Almost every week I visit businesses, small and large, in Delaware. I hear over and over again, especially from small businesses, the same concern—access to capital. The $30 billion Small Business Lending Fund in this bill addresses this concern by providing our community banks with the funds they need to increase lending to small businesses. We incentivize banks to increase their lending by lowering the dividend rate they must pay back to the Treasury as they demonstrate an increase in small business lending.

We did something similar to this earlier. We created a fund, and we essentially didn't give the money to the banks. We didn't loan the money to banks. We bought the bank's preferred stock. They had to pay us a dividend on the stock. Five percent was the dividend rate on the preferred stock we bought. If they didn't buy back the preferred stock within several years, they had to pay us a 9-percent dividend rate on the preferred stock. We infused capital into the banks, largely banks with over $10 billion in assets. For the most part, they have returned to profitability. They have repaid, bought back their preferred stock. They have paid dividends on all of it for the most part. Actually, we have exercised, on behalf of taxpayers, something called warrants which, as the stock values recover, enables taxpayers to participate in the debt and the return of profitability.

We wish to do a similar thing with banks of less than $10 billion. In this case, we buy the preferred stock. The amount of dividend they have to pay back to the Treasury depends on whether they lend the money to small businesses. If they lend the money and they use essentially this capital infusion as it is intended, they end up with almost a zero dividend rate. If they don't lend any of it, they have to pay a 9-percent dividend rate. So there is an incentive there.

Finally, we are building upon successful Small Business Administration initiatives that were part of the Recovery Act. By increasing both loan sizes and the guarantees for the Small Business Administration loans, we can help meet the credit needs of small businesses. According to a recent report by the National Small Business Association, these Recovery Act programs are working, and they are still greatly needed. Last week, the National Small Business Association announced that when the small business provisions of the stimulus package, adopted about a year and a half ago, expired at the end of May, Small Business Administration lending plummeted. In June of this year, the Small Business Administration approved only $647 million of loans to small businesses. The previous month, before this expired, it was $1.9 billion in loans. It is clear—to me at least—that the enhancements to current Small Business Administration programs in the bill are critically important and will help lenders provide loans and help small businesses create jobs in communities.

One of the things we need to do to relieve uncertainty and get us going on the right track is to eliminate uncertainty. One of the great sources of uncertainty is what we do on health care. We have done something on health care—more good than bad. The CBO tells us the actual effect on the deficit is to reduce the deficit, forecasted deficits by $120 billion over the next 10 years and by roughly another $1.2 trillion in the years after that. So not only do we have the potential of providing better health care to people who don't have it but also to do something positive on the deficit side, beginning to address the uncertainty. In terms of uncertainty, it is important for large business and for small business. The real problem for small business is to make it possible for them to access capital, to get loans, whether for plant and equipment or for working capital. The legislation we are debating this week actually does that in a variety of ways.

The Presiding Officer is somebody who has actually worked on this stuff pretty hard. I commend Senator MERKLEY and a variety of others, Senator LANDRIEU and others, for the good work they have done on this legislation, on both sides of the aisle. We ought to let this bill go. We ought to give this bill an up-or-down vote. In doing so, we will do the right thing not only for the Senate and those of us who are privileged to serve here but for the country, particularly our small businesses.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I am impressed by the distinguished Senator from Delaware. Not only has he outlined the information in the small business legislation which we are in the process of debating, but he so eloquently expounded on what we have done in health care to respond to the second opinion of our distinguished colleague from Wyoming. The Senator from Delaware did a tremendous job of covering the health care issue and what is actually in the bill. It has to be on the record. I thank the Senator for being eloquent in that regard.

I am here to speak about the small business legislation. I must also commend the Senator from Delaware, as he covered some key points. Being a former banker myself, an individual who actually financed companies—when I was in the banking business, I financed small businesses, even startup businesses—I have a great knowledge of what it takes to make sure those businesses have the necessary capital and resources in order to survive and provide jobs across the respective communities they serve. The legislation before us is crucial to the recovery of our respective communities with this recession.

As a public servant, I have been a strong advocate for American small businesses, especially disadvantaged and minority-owned businesses, because they are the engine of the economy. Before I was a public official, I was a banker. I worked hard every day to spur investments on Main Street. I worked to make capital available for small businesses so entrepreneurs and innovators could create jobs and bring prosperity to local communities. Today, as a result of the harsh economic reality in which we are existing, many of these businesses are finding it tougher than ever to survive. Credit is largely dried up. Capital investment is difficult to come by. Even as our economy begins to move forward toward recovery, small and disadvantaged businesses continue to lag behind. I believe we need to place small businesses at the heart of our response to this crisis. More needs to be done. Passing the Small Business Lending Act would be a step in the right direction. This incentive will create jobs for struggling Americans by providing increased lending to small businesses so they can support and expand their operations.

Small businesses are in a position to create well-paying jobs and produce growth at the local level. It is time to make them a priority again. If we fail to act today, if we fail to pass the Small Business Lending Act and fall short of our commitment to America's innovators and entrepreneurs, I fear our Nation will fall into a jobless recovery, and small businesses across the country will continue to suffer the detrimental effects of this recession.

I recognize government cannot directly create jobs in the same way the private sector can but few can deny that government has an integral role in getting America back on track. Our job as public officials is to support and

promote responsible practices, implement sensible regulations, and help direct investments to the areas that need it most. Under current law, the Small Business Administration provides key support to small businesses through its 8(a) program. This program offers technical assistance, training, and contract opportunities to small businesses that meet specific criteria. I am a strong advocate of this initiative which has helped to keep small and disadvantaged businesses viable and make sure everyone has a chance to share in the economic prosperity.

Mr. President, 8(a) has made a difference in numerous communities. It has eased some of the worst effects of the crisis for those entities that are most vulnerable. Yet despite its success, this program's impact and reach has been restricted because only a small number of businesses are eligible for this kind of support. That is why I introduced an amendment during the debate that would expand the 8(a) program.

My measure would have increased the continued eligibility amount from $750,000 to $2.5 million, so more small businesses could benefit from this assistance. But, unfortunately, my amendment was not included in the final package.

While it did not make the cut this time, I hope my colleagues will join me in giving further consideration and attention to the 8(a) program in the near future. What this will do is allow those individuals who may have reached a net worth of $1.1 million or $1.2 million or $1.5 million or even $2 million to say they are still small. In this economy, if you have $2 million, people say you are rich. Well, that is not the case if you are a small businessperson. That is the reason why I am saying in order to still be able to qualify for the 8(a) program, we should increase the eligibility amount to $2.5 million, and thereby they can continue to compete and continue to have a chance to be in the small and disadvantaged minority category.

Expansion of this program would afford our small businesses the assistance they need and create jobs for Americans amid this rough economic climate.

With the Small Business Lending Act before us today, we have an opportunity to renew our investment in America's small businesses. I urge my colleagues to vote in favor of this legislation so we can foster economic growth on the local level and generate much needed jobs.

I wish to reiterate what the distinguished Senator from Delaware said in terms of how we can expand these businesses by giving tax incentives to these companies, by eliminating the capital gains tax that would come about for any transaction they would make, by allowing them to write off the depreciation for their capital purchases.

We have this legislation before us now, which we must pass before we adjourn for our summer recess, and get this legislation over to the House so the House can pass it before they adjourn, a week before we adjourn. We need to make sure we get this legislation passed.

We saw the Senator from Louisiana fight gallantly to pass the amendment to allow the banks to have $30 billion which they could put out for small businesses. That amendment had been stricken, and the Senator did not yield to that deduction from that piece of this package. She fought to get that amendment into this legislation. Now what we must do is get the 60 votes needed to pass the Small Business Lending Act so we can get about the business of saying, yes, we are concerned about Main Street as much as we are about Wall Street. When we do that, we can go back to our constituents and say we have done something that is beneficial to our communities which will help us to get this economy moving again to help those people who need it the most.

Mr. President, I see the distinguished Senator from New Hampshire on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleague, Senator BURRIS, from Illinois, and the other Senators who have been on the floor this afternoon to speak to the Small Business Jobs Act that is pending before us today.

For weeks now, the Senate has been considering the Small Business Jobs Act. Today, I hope we will finally be able to pass this commonsense legislation that will help small employers and entrepreneurs to grow their businesses and to hire new workers.

While we have seen some signs that our economy is beginning to recover in New Hampshire, too many workers still cannot find the jobs they need to put food on the table and pay the mortgage. The best way to create those jobs is to invest in our small businesses.

Over the past 15 years, small businesses have created almost two-thirds of the new jobs in America. Small businesses are the cornerstone of New Hampshire's economy. Over 96 percent of businesses in the Granite State are small businesses with fewer than 50 employees.

But small businesses, as we all have heard, continue to feel the effects of a recession they had no hand in creating. That is why we need to pass the Small Business Jobs Act today.

This bipartisan legislation will dramatically increase lending to small businesses. It will enhance the ability of small companies to export. It will provide tax relief to so many small firms.

I am proud, as a member of the Small Business Committee, I worked with my chair, MARY LANDRIEU, who has done a terrific job on this bill, and ranking member OLYMPIA SNOWE, on provisions to enhance critical SBA programs. I am pleased to report this was a bipartisan effort.

I have come to the floor several times over the past few weeks to talk about the many important provisions in this bill—provisions that will get capital moving to small businesses again, and to provide them with some tax relief. But today I want to come to the floor to discuss another critical component of this bill, one that every Senator in this Chamber should support; that is, helping our small businesses sell their products overseas.

Exports are a great opportunity for small businesses that are looking to grow. Growing a small business is often about finding new markets for your products. Selling into foreign markets is especially important for businesses in my home State of New Hampshire.

Even in the difficult economic climate last year, one of the real bright spots in New Hampshire's economy has been exports. In 2009, New Hampshire had its second highest export year ever. But there is still a huge potential to continue to increase exporting by America's small businesses.

This chart I have in the Chamber shows the opportunity that exists for our small businesses. Only 5 percent of the world's customers live in the United States. We can see on the chart that is that very small blue portion of this pie chart. So that means 95 percent of the world's markets are outside of the United States.

But, of course, there are still significant barriers to small businesses as they try to access that remaining 95 percent of the world's population. For a small business, starting to export can be challenging. Unlike big firms, they do not have the technical capacity to identify new markets. They do not have the resources to go on trade missions, and they do not have the marketing expertise to promote their products to foreign buyers.

We can see the challenge small businesses face versus the challenge large businesses face on this pie chart. For large businesses, 42 percent of them export. For small businesses, only 1 percent of them in the country export. So 99 percent of small businesses still have the opportunity to access those international markets.

A vote for this bill is a vote to help small businesses in New Hampshire and across the country—businesses that are looking to export but do not have the resources or the expertise to do so. It is a vote to help small businesses create the jobs that will help us emerge from this recession.

I want to talk a little bit about one New Hampshire business that has been able to benefit from the kind of export assistance this bill will offer. The company is called Dartware. It is a high-tech company in West Lebanon, NH, over in the western part of our State, right across the river from Vermont. It is a pretty sophisticated business. It builds software to help improve professional networks. But even though they

are sophisticated, they still had a tough time navigating the international terrain. So Dartware went to New Hampshire's International Trade Resource Center where they found a U.S. Foreign Commercial Service specialist who could help them, along with the folks at the Trade Resource Center. The center provided Dartware with a customized international market assessment and connected the business to international buyers for their services.

As a result, Dartware now has developed partner relationships in countries such as Brazil, China, South Africa, Egypt, and Argentina—countries that are emerging markets that offer opportunities for New Hampshire and America's small businesses.

The bill that is pending before us would give more small businesses such as Dartware the opportunity to succeed in exporting.

The Small Business Jobs Act includes two bipartisan bills I cosponsored that will help more companies access critical export resources. For the past few years, Federal and State resources have dwindled, while companies such as Dartware have clamored for more of these services to help them know how to export.

The Foreign Commercial Service has not been able to replace many of their retiring officials and, as a result, the service has been severely understaffed. This legislation, the small business jobs bill, restores staffing at the Commerce Department to 2004 levels and creates a competitive grant program so that strapped State export assistance centers will have that ability to provide grants to companies. This bill passed out of the Senate Commerce Committee with broad bipartisan support.

The Small Business Jobs Act also includes bipartisan legislation which will strengthen SBA export assistance programs. These programs help small businesses get the loans they need to finance their export growth and will provide export expertise. This part of the bill passed out of the Small Business Committee by a vote of 18 to 0.

So two more provisions in the legislation pending before us that have broad bipartisan support. These commonsense measures that had strong bipartisan support in committee deserve support on the floor when we vote on this legislation. There is no reason we should not have a strong bipartisan vote today when the full Senate takes up this legislation.

I hope all of my colleagues on both sides of the aisle will join me in voting for this bill because it is going to make a difference to our small businesses, and it is going to mean they can grow, they can add jobs, and we can put people back to work in this country. I urge my colleagues to join us in voting for this legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

AVIATION SAFETY

Mr. DORGAN. Mr. President, I have come to the floor to talk about a piece of legislation that perhaps is not on the front pages of the newspapers today but is very important in this Congress and to the American people. It is very important that we pass this legislation. We have been waiting and waiting, and we continue to wait. It is called the reauthorization of the Federal Aviation Administration bill. We have been working on this for a long time.

This is not just reauthorization for some bureaucracy; this is about safety for the American public who is flying today. Let me put up a chart that shows where the airplanes are in the skies today. I think I have a chart on that which describes the number of flights in this country. The air is literally packed with airplanes flying all across this country. The question is, How are they controlled? Ground-based radar systems are keeping track of all of these flights. This is a map that shows the airplanes that are flying in the country at a given time—very crowded skies. This FAA reauthorization bill has a lot to do with safety. The reason it is so important—I am going to talk about the safety piece first, and then I will talk about why it has been blocked and how we finally get some action on this and why I finally have had a bellyful of trying to persuade people that we ought to pass legislation that I think is critically important to save lives in this country.

Let me remind all of my colleagues about February 12 last year. February 12 of last year was the tragic crash of Colgan Air flight 3407. That crash should not have happened. That crash took the lives of 45 passengers, 2 flight attendants, 2 pilots, and 1 person on the ground. It should never, ever have happened.

The families of the victims of Colgan Air flight 3407 have consistently been to every hearing I have held on safety dealing with aviation. They have been, at every moment possible, here in the Capitol Building, office to office, door to door, saying: Pass this legislation to reauthorize the FAA, including the dramatic safety changes we propose.

They provided a chart board that shows photographs of their loved ones, those who climbed on that airplane that evening to fly from Newark to Buffalo, NY. It was a night flight on a Bombardier-8. During that flight, icing occurred on the wings.

I have read the transcript from that cockpit between the pilot and the copilot. Let me describe a couple of things we learned.

The young pilot lived in Seattle, WA, and commuted to work to Newark. She deadheaded all night long on a FedEx plane stopping in Memphis, landed in Newark—no evidence that she slept—and then she boarded an airplane to haul passengers to Buffalo, NY. That was the copilot. The copilot, I understand, earned somewhere around $20,000, $22,000 a year and had a second job in a coffee job to make ends meet. My understanding was she lived with her parents. That was the copilot. The pilot commuted from Florida. There is no evidence that the pilot slept the night before. He spent time in the crew lounge, where there is no bed. That pilot boarded the same plane. That raises all kinds of issues about fatigue and commuting—commuting all night to board an airplane to haul passengers.

When you read the transcript of what occurred in that cockpit, you also understand there were very serious issues about training—the stick pusher and the stick shaker and flying into ice and not following procedures, all of these issues.

Forty-five passengers died that night. The question is, Is there one level of safety in this country when you get on an airplane and you look in that cockpit? Is there one level of safety if you are on a large plane or carrier versus a small regional carrier? Do you have the same experience in the cockpit, the same level of training? Where have the crews come from? Did they fly all night all across the country just to get to their work station?

Well, the Colgan crash told us a lot. Here is what happened that evening. There was ice on the wings. This was the crash site near Buffalo, NY, on February 12, 2009.

Here is another photograph of the crash site. This crash should never have happened. Those victims should not have died. They should have been safely on the ground with their loved ones.

What has gone wrong here? Let me at least describe a few things that I think. One was fatigue. Clearly, that played a role. Here is a quote that NBC News ran from a pilot on a 737 jet flying to Denver, CO:

> I had been doing everything in my power to stay awake: coffee, gum, candy. But as we entered one of the most critical phases of flight, I had been up for 20 straight hours.

Fatigue. Is this someone in a working condition who is sharp, on edge, landing a plane with perhaps 150 people on board?

Here is another quote from an 18-year veteran pilot, describing the routine of commuter flights with short layovers in the middle of the night:

> Take a shower, brush your teeth, and pretend you slept.

He said that is the way it works.

Here is another quote from a pilot:

> I was bathed in sweat and scared to death.

That is an 18-year pilot describing the approach to the runway after numerous early morning commuter flights over 3 days.

Here is a photograph of a pilot crash pad. He watches a movie on his computer at a crash house in Sterling Park, VA, which is not far from here. These houses, which can have 20 to 24 occupants at a time, are designed to give flight crews from regional airlines a quiet place to sleep near their base airports. Many can't afford hotels, so they use crash houses where they pay $200 a month for a bed.

I described the young lady who was the copilot on the Colgan Air flight that crashed. She commuted from Seattle, WA to Newark to get to her duty station. There was no evidence that she had slept in a bed. It raises a lot of questions.

At hearings I held, I held up this chart to show where the Colgan pilots were commuting from flying on that particular regional airline. They were flying out of Newark. You could see where they are commuting from, such as home stations in Los Angeles, in Seattle, in Texas, and they commuted to work all the way across the country.

I describe these charts only to talk about one phase of the investigation of the Colgan crash, and that is fatigue and rest—crew rest. We have a piece of legislation that addresses a number of these issues: What is the experience of the pilot in the cockpit? How many hours must that pilot have of relevant experience and training to sit in that cockpit and haul passengers on a commercial airplane?

We addressed that and so many other critical areas of safety. That is in the FAA reauthorization bill—a piece of legislation we passed in the Senate Commerce Committee long ago. Now it is awaiting action on the floor of the Senate. Yet, we have not been able to get it done.

I want to talk a little about the importance of this legislation. No. 1, it creates jobs. It is investment in infrastructure, airport improvement funds—investing in the infrastructure of this country.

Let me describe the central elements of this bill. Airport Improvement Program. That is tens of thousands of jobs around this country.

Aviation safety. I have touched on that.

Air traffic control modernization.

A passenger bill of rights.

Small community air service.

Let me talk for a moment about the air traffic control modernization. I showed a chart with all of those airplanes in the air. Every single passenger on every one of those planes could be flying in safer conditions now if we were moving, as we should, with this bill, in modernizing the air traffic control system. Our kids carry cell phones around that have GPS capability. Those of the commercial airliners in this country are flying to ground-based radar, not GPS. They don't utilize what our kids have in their cell phones in commercial airplanes, which would allow them to fly safer routes, fly more direct routes. Modernization of the air traffic control system is long overdue, and it has a lot to do with aviation safety. It is in this bill.

This bill must get done. To not move forward on this—Europeans are, and others—and to have us fall further behind is unthinkable to me. The passenger bill of rights—we include that in this bill, and it says some very important things. The passenger bill of rights says that they are not going to be able to keep you on an airplane for 6 or 8 hours when they have trouble on the runway and you sit on the tarmac for 6 or 8 hours. Three hours. We set the conditions under the passenger bill of rights, airplanes—that is, the aircraft companies, airline companies, must comply with the rules that we have established.

This legislation provides consumer benefits for 700 million plane trips per year taken by the American people. We have heard horror stories from around this country: passengers stuck on the tarmac for 6 hours, 8 hours, bathrooms not working, out of water. The fact is, this bill will improve that and the disclosure of flight information to passengers, impose certain burdens on the airlines, and that is the right approach. All of these things are in this FAA reauthorization bill.

What is holding up the bill? Well, first and foremost, in the Senate, we passed the bill with the understanding that there is a controversy called slots and perimeter rules at Washington National Airport. When we passed it through the Senate, 93 to 0, we understood that we didn't resolve the slots and perimeter rule issue. The House has additional slots at DC National, but we didn't do anything on it. We didn't do zero. We understood that we passed the bill and would negotiate it later, and negotiations have ensued. Now we have several representations saying: I represent my area, my region, or my airport, and therefore I object.

Do you know what. It is fine to represent your interests in your region, but it is not fine to block the bill. It is not fine to block this bill. In fact, the latest discussions that have been held, with respect to slots at DC airport, are 16 additional slots—not new flights in or out of DC National Airport, but flights that would have flown within the perimeter that would now fly outside of the perimeter. I know that is lost on most people because this perimeter rule limits the number of miles you can fly from DC National Airport. This would convert flights inside the perimeter to flights outside of it—16 flights. So it is no new traffic to DC National. Those who proposed it said: We would agree that we would have the same size airplanes flying the flights.

Yet, we have massive amounts of controversy around here with people saying: Well, I am going to block this and that.

Let me say this: If you care much about safety in the skies and at long last you want to pass an FAA bill to improve safety, if you care about the airport improvement program and infrastructure and airports and runways and building the infrastructure and creating tens of thousands of jobs, and if you care about small community air services, a passenger bill of rights and having America keep up with air traffic control modernization, you can't possibly be blocking this bill.

I am not going to describe who it is, with names and so on. This is not about Democrats or Republicans, or conservatives or liberals; this is about, are we going to fail again? I have watched so many failures because people have decided they are going to block this or that. What we have had in this entire Congress is one side of the aisle blocking most everything for a long period of time. This bill happens to be bipartisan. There is no excuse, no reason to block this legislation.

It appears to me that a couple things are likely to happen. If interests that have been involved in these discussions continue to block this, this bill will fail, and the American people will be flying in skies that are less safe than they could be. We will not have made the improvements we should make. We will not make the investments and create the jobs we should create. I suppose those who block it will think they have done something meritorious for the country, but they will have injured this country's interests.

My hope is that in the coming couple of days, those who have said they are going to block this legislation will think again and understand that this place only works through compromise; it only works if we are willing to understand that everybody has different views on these things, and let's find a way to effectively compromise and pass legislation that strengthens this country.

If I sound a little irritated, I am, because I have had a belly full of the intransigence that exists in this Chamber. Nobody fights harder for their interests than I do. But I also understand, having served here long enough, that there is a need to make this place work by being willing to compromise your interests in a fair way. We have gone at this now for some weeks. It has been a long while since the Senate passed this bill. It is very close to a point where, I believe, we will not have the time to continue working on this, and what we will see is that this bill will, once again, fail, and we will extend, once again, the FAA reauthorization bill for a short time, and then until the next Congress. God bless everybody who dug their heels in and decided they could only live with what they could live with and would not compromise, but they have done no favor to this country. They can all chew on that for a while.

I hope that in the coming days, yes, families of the victims of Colgan will

perhaps have some ability to influence those who want to block this legislation. Perhaps those who are out of work and would get work with the airport improvement funds will influence them. Maybe those who care about continued air service to small communities would have some ability to influence them. Maybe those who care about the passengers bill of rights—at long last, maybe they will be persuasive.

One way or another, I hope that finally we will see if maybe there is a public spiritedness in this Chamber and also an interest in doing the right thing and pass the FAA reauthorization bill.

I understand my colleague from Kansas is here ready to speak. I will defer until later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

RENEWABLE ENERGY STANDARD

Mr. BROWNBACK. Mr. President, I thank my colleague for yielding the floor. I invite him to stay. I want to talk about a renewable energy standard we need to have in an energy piece of legislation. I know it is something he is interested in, and has been, and it is something I am interested in. I think it is one of these commonsense approaches that you can get bipartisan support built for if you do it in a sensible fashion that doesn't raise utility rates; and that is a key issue to watch here—not to raise utility rights.

I think if we have a robust enough—but not greedy—renewable energy standard that is prudent, workable, over a period of time, where companies can work into this, we can start moving forward on renewable energy in a sound economic fashion, and we can balance our energy needs with our environmental needs and our economic demands and not raise utility rates.

That is why I was hoping that the leader, when he introduced his energy bill, would put forward a renewable energy standard. He didn't call for that. I do. If we get an energy bill on the floor—which I hope we do—I will certainly be supporting a renewable energy standard the likes of which we passed on a bipartisan basis through the Energy Committee.

I am looking forward to supporting what we put forward in the American Clean Energy Leadership Act of 2009, which was reported out of the committee on a strong bipartisan basis. There was a provision in it that called for a 15-percent renewable energy standard by 2021, and within that 15 percent was even allowed 11 percent by renewables and up to 4 percent by conservation, so there were some ways for groups and individuals to be able to work forward, building in some conservation but also renewable energy into the portfolio, such as renewable energy of wind, solar, biomass, or other means.

I have been advocating this, as has my colleague from North Dakota. It is something we have voted on recently in this body, as recently as 2005, when we looked at a 10-percent renewable energy standard. The differences in the conference prevented that from moving forward.

The amendment I would support on this bill that I hope the leader will reconsider and put forward in his base bill that he puts up on the floor is 15 percent, as I stated, by 2021. That is something that could have and would gain bipartisan support.

If we are serious about moving forward on reducing our dependency on foreign oil, from foreign sources, if we are serious about moving forward on environmental needs, this is a very sensible, pragmatic, prudent approach. It is one we can do. It is one we can accomplish. It is one that has passed this body before. We already know the votes are here to pass something like a modest renewable energy standard. That is why I am calling for this to be put forward in the leader's base bill. If not, I am supporting an amendment that would be put in this Energy bill should it come to the floor. I hope it does come to the floor. We need to address the energy needs of this country. We have a huge problem that has been going on for some time in the Gulf of Mexico. We have enormous energy needs in this country. We need to balance our energy needs with the environment and our economic abilities. We are in difficult economic shape now. We cannot put a load on the economy. We should not put any load on the economy. If we are wise and prudent about this, we can do these renewable energy standards and not put any load on the economy. I ask the leader to do that. I hope we can in moving this process forward. It is my hope that this will be included in any energy legislation that ultimately passes this body.

Mr. President, I ask my colleague from North Dakota for any comments he might have on a renewable energy portfolio in energy legislation.

Mr. DORGAN. Mr. President, if I may, I know the Senator from Kansas spoke about this issue that we worked on in the Energy Committee over a year ago. We worked together to get what is called a renewable electricity standard, some people also call it a renewable portfolio standard—through the committee process. A renewable electricity standard is a requirement that a certain percentage of electricity delivered be from renewable sources—wind, solar, and so on. I believe that it is very important to do that. I appreciate the Senator from Kansas and his position.

There is an old saying: If you don't care where you are going, you are never going to be lost. If our country does not describe the route we want to take, if we don't say here is where we want to go as a country, then wherever we find ourselves 5 and 10 years from now, that is where we are, I guess.

I believe however, that it ought to be a circumstance where we decide what our energy future looks like. I believe that we should incentivize the development of renewable energy. How do we maximize the development of wind and solar energy? By creating a renewable electricity standard that drives the development and by building the transmission that allows us to produce it in one area and move it to a load center in another area. We did that in the bill that passed the Energy Committee just over a year ago.

I fully support the notion of the Senator from Kansas that the 15-percent renewable electricity standard we created in committee ought to advanced in any energy bill. In fact, I don't know whether we will part company on this point, but I have always indicated that I support a 20-percent renewable electricity standard. I believe our country ought to push very hard to move in the direction of maximizing the capability to produce renewable energy where the wind blows and the Sun shines, and put it on the wires and move it to the load centers. That is exactly what we ought to be doing. The Senator and I sure agree on the philosophy of this issue and the need for this provision in an energy bill.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I wanted to engage my colleague from North Dakota because there is a strong base of bipartisan support to do this, and I also believe there is a strong majority community across America that supports this. Don't get it out there so wild that it starts driving up utility rates. Nobody wants to do that, and everybody is opposed to pushing up utility rates. We don't want them to go up. They cannot go up. We cannot afford for them to go up in bad economic times, and I do not want it to happen in good economic times. But if we do this in a balanced approach where we say we are going to have a modest renewable electricity standard, a modest RES that people can work with—and in the bill in committee, we actually had an 11-percent energy standard—we could do 4 of the 15 by conservation, which is prudent as well. This is something we can support.

I know this is something which we could see a strong majority of the American public support. This is balanced and it makes sense and it moves us forward. That is why I hope that if we get into this Energy bill this week—it may not happen this week or it may not happen until September—that this is a piece that is in the bill, and it is something we can get done, and the vast majority of the public, if we do it wisely and prudently, will support this.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. BROWNBACK. Yes.

Mr. DORGAN. The fact is, I happen to support limiting or capping carbon. I will support a price on carbon. I do not support cap and trade as a mechanism, as a way of doing that, or giving Wall Street the ability to trade carbon

securities. But that is another side to this.

Because we have not been able to do climate change legislation and develop a consensus on broader climate change legislation in this country, I have always felt we should bring the Energy bill to the floor which was, in fact, bipartisan and which would, in fact, do the very things we would want done to limit carbon. Take energy from the wind—that limits carbon. You develop energy without putting carbon into the air, just as an example.

I know Senator REID is trying very hard to do a couple of things. No. 1, he is trying to get this session moving on issues that matter. He has a lot of things on his plate. The Senator from Kansas knows—I am not being partisan when I say this—that a lot of things have been blocked, even motions to proceed. So the Senator from Nevada, Mr. REID, has a difficult job getting legislation to the floor and getting them moving. He has indicated he wants to bring to the floor an energy bill that includes a lot of items with which the Senator from Kansas and I would agree. We need to do something about oilspill regulation and safety and try to address those issues in the right way, and we do need to address a number of the other issues the Senator from Nevada suggested. I happen to think that using natural gas for long-haul vehicles on the interstate roadways makes a lot of sense. He has proposed a number of items, including electric vehicles. The bill I introduced, along with my colleagues, Senator ALEXANDER and Senator MERKLEY, that we passed through the Energy Committee last week, begins incentivizing and moving toward an electric vehicle fleet. All of those things are good. I support that, and I commend the Senator from Nevada for doing that. To the extent we can, if we can find ways to add other things that have a broad bipartisan consensus, that makes a lot of sense to me. I think that is what the Senator from Kansas is saying.

In order for a renewable electricity standard to be added, it would take 60 votes because things just take 60 votes around here. I went to a small school, and I thought a majority was just a majority, but it is not these days. But if we have the 60 votes—and I think there is some evidence that may exist—then adding a renewable electricity standard will substantially improve, I believe, the potential to pass an energy bill that would matter to America.

I want to say quickly that I understand Senator REID is trying very hard to get something done, to get it up, get it passed, and get it done. I commend him for that. I do not want to be critical at all. But I commend the Senator from Kansas as well because he and I agree: If we can add a renewable electricity standard to this legislation, we will advance our country's energy interests in a very significant way.

Mr. BROWNBACK. Mr. President, I thank my colleague.

I yield the floor.

Mr. DORGAN. I yield the floor, and 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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

KAGAN NOMINATION

Mr. SESSIONS. Mr. President, I wish to share a few thoughts on the nomination of Elena Kagan to the Supreme Court. I will share some other thoughts as we go along, and I will be producing for my colleagues a summary of some of the concerns I have about the nomination that would explain why I and a number of other Senators voted against this nomination in committee and why I think that calls for our colleagues to vote against the nomination on the floor of the Senate.

This nominee has the least experience of any nominee in the last 50 years, perhaps longer than that, having practiced law only about 2 years, right out of law school, with a large law firm, never having tried a case or argued a case before a jury of any kind, and spent 5 years in the Clinton White House, spent time teaching and being active politically. Those are issues that I think go to the basic qualities that you look for in a nomination. She had 14 months as the Solicitor General of the United States, and that is a legitimate legal job, but as I will point out, she didn't perform very well in that job and made some serious errors that I think reflect a weakness in her judicial philosophy.

So while there is no sustained legal practice that gives us a direct view of her judicial philosophy, other things do indicate it. There is plenty of evidence that I think will show this nominee is not committed to faithfully following the law. The Constitution's words say we "do ordain and establish this Constitution for the United States," not some other constitution—not a European constitution, not a constitution as viewed by somebody in Argentina or France or wherever but our Constitution, passed by real Americans through the process that calls upon American input to pass that Constitution. Judges take an oath to be faithful to our Constitution. They take an oath to serve under the Constitution and laws of the United States.

So I think the evidence will show that this nominee believes judges have powers that go beyond what a judge has. This is what we have taken to calling an activist judge—a judge who believes they can advance the law, further the law, bend the law; that the Constitution is not plain words or a contract with the American people but a living document, which means they can make it grow into what they would like it to be; that they can set policy from the bench. That is not law, that is politics. Judges are required to adhere to the law. This is the great American principle that we are taught from elementary school on.

This nominee, pretty clearly, is a legal progressive and acknowledges that in her own testimony. When I asked her if she was, she didn't acknowledge it to me. But later, when she was asked again about it, she acknowledged to Senator LINDSEY GRAHAM that she was. That is what liberals have taken to calling themselves today—progressives—apparently thinking that is more popular than calling themselves liberals. I don't know why they have taken to doing that, but progressivism has a history in this country, and I think the people who call themselves legal progressives today are indeed in the tradition of progressivism that was rejected in the early part of the 20th Century by the American people.

President Obama is a legal progressive, I am convinced. He is a lawyer, a good friend, and somebody we all liked when he was in the Senate. But he has a view of the law that I think is a progressive view. He seeks, he says, to advance a "broader vision of what America should be," and that is what judges should do. I am not in agreement with that. I don't think judges have that responsibility. They have never been given that responsibility. Their responsibility is to objectively decide discrete cases before them.

Some have complained that Justice Roberts somehow was an automaton by declaring that a judge should be a neutral umpire—just call the balls and strikes; that he can't take sides in the game. I think that is a very wonderful metaphor for what a judge should be—a neutral umpire.

Judges cannot take sides in the game. That is not what they are paid to do. That is not what they are empowered to do, not in the American legal system. Maybe somewhere else but not in our system. The American people understand that clearly. They are not happy with judges who legislate from the bench, who think they know better, who consult some European somewhere, with very little accompanying scientific data, to say the world has advanced and evolved and the Constitution has grown and is alive and read new words into it that were not in there before, and we can find those words and we can have a broader vision for what America should be.

I do not think that is law. It is not law, and I do not think the American people want that kind of judge.

I do not believe in this nominee's slight differences of gradations in judicial philosophy. I do not think it is just a little bit more activist and it is a little bit more advanced law philosophy, and somebody else does not and there is not much difference. I think there is a very serious difference, and it is a question of where the American people allow power to reside—power over themselves.

They can vote us out of office. I suspect people will be voted out of office this November. People are not happy with us, I can tell you that. Polling numbers show Congress is at the bottom of popularity more than it has ever been—11 percent or something. The question is, Who is that 11 percent who is happy with this crowd? Where are they? I have not met any.

I would say the American people are not enamored with the idea that somehow, when a person puts on that robe they have been anointed with greater wisdom than if they had to run for office and answer to them. If you want to be a politician, run as a politician. Don't go for it on the bench.

I think the President has an incorrect view of that, frankly, a very seriously defective view of that. In a speech in the Senate just a few years ago when he was a young new Senator, he opposed now Chief Justice John Roberts, one of the finest nominees ever to come before this Senate. What a fabulous person he was. How magnificently did he testify and what a good background he had. He was recognized as a premier appellate lawyer in America and argued 50 cases, I believe, before the Supreme Court—more than almost anybody, certainly more than anybody his age—and demonstrated the kind of skill you look for in someone who would sit on our Nation's Highest Court.

President Obama voted against him. He said he thought that in truly difficult cases Judge John Roberts would rely on precedent and try to follow the law. He said that you can't rely on precedent or ''rules of statutory or constitutional construction.'' Instead, he argued that judges must base their rulings on ''one's deepest values, one's core concerns, one's broader perspectives on how the world works and the depth and breadth of one's empathy.'' That is what President Obama said a judge should do.

I would assert that is contrary to the American heritage of law. That is not law. If you make decisions based on your deepest values—you mean the judge's deepest values? His core concerns? One's broader perspectives on how the world works and the depth and breadth of one's empathy? That is what a judge should do? Not in the U.S. order of jurisprudence, not the way I understand it, and I do not think it is the way the American people understand it either.

In a speech to Planned Parenthood, President Obama said he hoped judges would reach decisions on ''their broader vision of what America should be.''

His nomination of Ms. Kagan indicates that he believes she fits that bill. If we look at her record and speeches and background, I think it is fair to conclude she does. In a Law Review article she once declared that the Court primarily exists to look out for ''the despised and the disadvantaged.''

I think the Court is required to do justice. The oath a judge takes says a judge should do equal justice to the poor and the rich.

In another Law Review article, Ms. Kagan said, dealing with confirmation—actually the title of it was ''Confirmation Messes, Old and New.'' She quoted Stephen Carter's book, ''The Confirmation Mess'' with approval, writing:

> In every exercise of interpretive judgment there comes a crucial moment when the judge's own experience and values become the most important data.

Well, I don't think so. What do you mean the judge's own values become the most important data? You mean we are ceding to the judge their personal values instead of faithfully following the law and the facts as written?

In her Oxford thesis she wrote:

> Judges will often try to mold and steer the law in order to promote certain ethical values and achieve certain social ends. Such activity is not necessarily wrong or invalid. The law, after all, is a human instrument, an instrument designed to meet men's needs.

The law is a set of commands from the government that have to be consistent with our Constitution. If they are, they should be followed, if they have been duly enacted by Congress. The American people can elect a new Congress and change those laws if they desire, but until they do so they remain the law and I do not think judges are supposed to be steering the law to promote certain ethical values.

Let me ask you, whose values are they? Whose ethical values are they? The judge's? Is that what we put them on the bench for, to be able to steer the law to promote their ethical values?

Some people wrongly say the Constitution is defined by the nine Justices on the Supreme Court. Not so, really. If we want to be cynical about it, if they are not faithful to the law, five Justices can redefine the Constitution.

Recently, four Justices voted to basically eviscerate the second amendment, saying the constitutional right to keep and bear arms was not a personal right and that the Constitution did not apply to the States and counties and cities; and in effect a city, Chicago, could have basically eliminated all guns in their city, and it would not have violated the constitutional guarantee of the right to keep and bear arms.

They just wrote it out of the Constitution, I guess—and they cited foreign law about it.

We know other cultures are not as accepting of people having guns as in the American culture. It is just different. What does foreign culture have to do with ours? This is the kind of thing we are talking about. It played out in real cases and creates a real abuse.

She goes on to say that judges will often try to mold and achieve ''certain social ends.'' Such activity, she says, ''is not necessarily wrong or invalid.''

I think it is wrong or invalid.

Am I being unfair to the nominee, Ms. Kagan? I don't think so. When asked about Ms. Kagan's record, a person in a very good position to know, Gregg Craig, former counsel to President Obama in the first year or two of the administration, who knows Ms. Kagan and who reviewed her when she was considered, apparently, for the first Sotomayor appointment, said:

> She is largely a progressive in the mold of Obama himself.

I have come to believe that is exactly right. I mean, I just believe that is right. I think the President looked around the country to pick somebody young, who would serve a long time. She is 50 years old. If she serves as long as Justice Stevens whom she is replacing, she will serve 38 years. It is a lifetime appointment. It could be longer. So Mr. GREGG Craig said ''she is largely a progressive in the mold of Obama himself.''

The President was a community activist and a lawyer. He has taught some constitutional law—I am sure he is a good teacher. But if he is teaching this kind of philosophy I think it is not good, sound, judicial philosophy, and his approach I don't think is good.

I believe he looked for somebody who shared his views. As 59 Democratic Senators, he expects them to, lemming-like, go down the line and vote for whomever he puts up there, so he has put up somebody he thinks follows his views.

A second person who has been in a good position to know Ms. Kagan is Vice President BIDEN's chief of staff, Ron Klain, who worked in the Clinton White House closely with Ms. Kagan when she spent 5 years in the White House doing mostly policy work, as she said. This is what Mr. Klain, an experienced lawyer who has been around Washington a long time, said about her:

> Elena is clearly a legal progressive. I think Elena is someone who comes from the progressive side of the spectrum. She clerked for Judge Mikva, clerked for Justice Marshall, worked in the Clinton administration, worked in the Obama administration. I don't think there is any mystery to the fact that she is, as I said, more of the progressive mold than not.

Let's just take a note there, when she graduated from law school she clerked for Judge Mikva. She is a very smart individual, a very liberal individual. I believe she clearly would be considered a judge of the activist variety. Then she clerked for Justice Marshall, a great, famous Justice on the U.S. Supreme Court but probably considered the most activist member ever to sit on the Supreme Court of the United States. That is whom she worked for.

She took a leave, I think it was a leave from her teaching position, to come to the Senate to work on the Judiciary Committee to help confirm to the Supreme Court of the United States the chief counsel for the American Civil Liberties Union, Ruth Bader Ginsburg. That is the kind of judge she has admired and worked for.

She made a speech in which she called Justice Barak of Israel, who has

been called the most activist judge in the world, her judicial hero.

I think the American people know the role of a judge. They know a judge is not empowered to legislate. They know a judge is not empowered to set policy. They know a judge is not empowered to redefine the meaning of words in the Constitution or some statute to make it say what they would like it to say in a given case that is before them. They know that is an abuse of power.

It is a violation of oath, and the American people care about it. When I talk to people, when I am in townhall meetings, people invariably ask about activist judges who are legislating from the bench. They know it is against the American view of law because these judges are unaccountable to the public. They have a lifetime appointment. They cannot be removed if you disagree with their approach. So for them to advance an ideological, philosophical social agenda from the bench frustrates democracy in a very real way, and the American people understand it.

I do not think the American people are going to hold harmless those who vote to impose a legal progressive activist legislator from the bench upon them. So I am asking my colleagues to look at this nomination carefully. Do not be a rubberstamp for the President. I am talking primarily to my Democratic colleagues now. It is your vote. It is your responsibility to make sure your constituents do not wake next year, next year, next year, and find some judge redefining the Constitution to make it say something it was never intended to say.

So do not be a lemming. Review this nomination. Be careful about it because I am afraid we have a dangerous, progressive, political-type nominee who is going to be before us. So I would call on my Democratic leadership in the Senate, let's be sure we have a good time for debate, let's not curtail it. I call on all my colleagues to come to the floor and express their views, but, most important, to ask themselves, is this nominee the kind of nominee you who will serve on the Federal bench for the next 30, 40 years who will subordinate herself and serve ''under the Constitution and laws of the United States'' as that oath says or will she feel she is just a little bit above it, and has a right to advance a social agenda or some other broader vision for what America should be that somehow Congress did not see fit to enact, the people's branch did not see fit to enact, so she should just do it anyway because Congress did not act. We should act. That is not a justification for judicial activism.

When Congress does not act, it does not act. That is a decision not to act. Courts are not empowered to set about to fix all that if they are not happy with it.

We are heading into an important period for the Congress, for the Senate. We will be looking at this nomination. The nominee was a skillful and articulate one and had a good sense of humor and handled herself in many ways well. But I think, as you hear from a number of people who studied her testimony, that it had a bit too much spin and not enough law, not enough clarity, not enough intellectual honesty to meet the high standards we should look for in a Supreme Court nominee.

We ought to be looking for the best of the best, a lawyer's lawyer, not a political lawyer, a lawyer's lawyer or a proven judge. The fact that she is not a judge is not disqualifying. But I would expect, if you are not a judge, you ought to be proven as a lawyer in the real world of law practice. This nominee simply is not. She is a political lawyer, and I do not believe she should be elevated to the Supreme Court of the United States.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Madam President, I rise in strong support of the amendment offered by my good friend from Colorado, Senator MARK UDALL. Credit unions across the country are currently restricted in the amount of lending they can provide to their members for business purposes. The Udall amendment, which I proudly cosponsor, will raise that limit. Congress should be focused like a laser on bringing unemployment down and getting the economy humming on all cylinders again. The bill before us today is part of that ongoing effort. It is a much needed, targeted bill that will help small business expand and hire.

There are many worthy ideas and important programs in the bill, from bonus depreciation to increasing the loan limits on SBA's flagship programs to providing grants to help States expand innovative small business initiatives. But a core mission of this bill was always to jump-start lending.

When I travel around New York and talk to business owners about creating jobs, the No. 1 thing they bring up is their inability to get access to credit. I believe the small business lending fund, which I vociferously supported and which the Senate approved last week, will prove to be a shot in the arm for small business, greatly increasing access to credit. I thank my colleague from Louisiana, Senator LANDRIEU, and my colleague from Florida, Senator LEMIEUX, my colleague from Washington State, Senator CANTWELL, and others, Senator SHAHEEN, for their efforts to reinstate this important fund. But we can't stop there.

Credit unions are an important source of credit for small businesses from coast to coast. They should not be neglected as we seek to improve the economy. When this idea was originally proposed, some concerns were raised about the safety and soundness of credit unions, their members, and the credit unions' insurance deposit fund.

My office worked with Senator UDALL and the Treasury Department to come up with a plan that would address those concerns. First, the cap is only raised for credit unions that meet strict eligibility criteria. To qualify, credit unions must be well capitalized, demonstrate sound underwriting and servicing based on historical performance, have strong management and policies to manage increased lending, and be approved by their regulator for the higher cap.

They must also be at or above 80 percent of their current cap, with 5 or more years of experience lending to member businesses. This means only credit unions with significant experience lending to small businesses will have their cap raised, and it is targeted at those credit unions most likely to expand their lending because they are at or near the existing cap.

I commend Mr. UDALL, the Senator from Colorado, for taking the lead on this novel approach. His amendment is a sensible compromise that successfully addresses the concerns that were raised.

Based on conservative estimates, this amendment will lead directly to over $10 billion in new lending and will create over 120,000 jobs. In my home State of New York, it will create over $750 million in new lending and create over 8,000 jobs. It does it all with no cost to the taxpayer. I repeat, the amendment does not add a dime to the deficit and will have a positive impact on GDP.

Certainly, this amendment is not a cure-all for our economy. But with small businesses starved for credit, it seems obvious to me we should be trying everything we can to increase lending to small businesses. Simply put, this amendment is a no-brainer. I urge my colleagues to support the amendment offered by my friend from Colorado.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, I come to the floor today in support of the small business jobs bill, which is moving through the Senate.

I first would like to say how much I appreciate Senator LANDRIEU of Louisiana and her leadership on this bill, as well as the members of the Small Business Committee, who have worked

incredibly hard to bring this bill to the point it is ready to get voted on.

When we first began discussing how we could help our small businesses deal with the issues they face in this difficult economy, I spent a lot of time going around my State and actually talking to those who run small businesses, who work in small businesses, to get some ideas of what would really work. That is when I heard time and time again about how they desperately need capital.

In fact, according to the National Federation of Independent Business, 45 percent of small businesses in America say adequate access to capital is their No. 1 problem. I think this is summed up well in a letter I got from a constituent of mine. He founded his first real estate company over 20 years ago, and when the market went south, he did not just tighten the hatches, he actually invested his savings in a new home staging business to help people get their homes ready to be put on the market.

Wile his new business is profitable, he still cannot get credit. In the letter to me he said:

> I have approached over 10 banks and guaranteed a loan using my building with a free and clear title, and have been turned down by every bank. The answer to growing the economy and creating jobs is getting the banks to lend to low risk entrepreneurs like me.

The great thing is, our community banks agree.

Last week on the Senate floor, I read a letter I received from Harry Wahlquist of Star Bank in Bertha, MN. As you can imagine, Bertha is not exactly a majority metropolis. Bertha, MN, is not New York City. I just want to read it again because I think it drives home the point that there is broad consensus that this bill is what we need. In this letter, the banker from Bertha said this:

> I am a banker and need capital to continue serving my nine Minnesota towns. Please pass the small business lending bill now. You gave money to Wall Street. How about Main Street in Minnesota?

That is what this bill will do. It will help Main Street. It does it with more than a number of provisions to expand access to credit. It provides for a 100-percent exclusion on capital gains taxes on small business investments made in 2009 and 2010. It increases the maximum deduction for business start-up expenses to help entrepreneurs get their businesses off the ground. It allows businesses of all sizes to write off more of their investments in property and equipment to help them grow.

Provisions like these are why this bill has such broad support. Whether it is the Chamber of Commerce or the Independent Community Bankers of America, they want us to work together to pass this bill.

We have gotten this economy off the cliff. We worked with our banks and our financial institutions 2 years ago. We also worked with the stimulus bill, with the Recovery Act. But we know the answer cannot just be government jobs. We know that. What we are looking at is how do we work with small businesses that create 65 percent of the jobs in this country? How do we work with the private sector to create jobs?

Another reason we need this bill is that it helps small businesses increase demand for their products and services. At a time of sluggish consumer spending, we need to be sure all American businesses—both big and small—have a chance to reach new customers abroad because when our companies are able to unlock new markets, they are also able to create new jobs.

Currently, the United States derives the smallest percentage of our GDP from exports compared to other major economies—the smallest percentage when we look at other economies across the world. As people in China, in India, and other countries gain more purchasing power, there is great potential for exports in this country because the people in these countries, in China and India, as they are gaining purchasing power, will become our potential customers.

More exports will mean more business, more jobs, and more growth for the American economy. So you can finally go in the store, look at the best good for the best price, and you can turn it over and it says ''Made in the USA.'' You can see that good on the shelves in China, and you can see it in India.

First and most obviously, exports allow a company to increase its sales and grow its business. Second, a diversified base of customers helps a business weather the economic ups and downs.

Currently, less than 1 percent of all American businesses export overseas. Of those that do, nearly 60 percent sell their products to only one foreign country, typically Canada or Mexico.

With 95 percent of potential customers outside our borders, and with the purchasing power they have increasing, it is clear the opportunities that lay in exporting for our businesses, large and small, are there.

But for many businesses, especially the small and medium-sized ones, the world looks like one of those ancient maps that contains only the outlines of the continent and a few coastline features, but the rest of it is a blank space of vast, unknown, and unexplored territory.

But do you know what. Thirty percent of our small and medium-sized businesses say they would like to export if they knew how, if they had the connections. In many situations, our small and medium-sized businesses have the products. They have the services. They simply cannot deal with the complexity of the international markets.

The overwhelming majority of businesses, even those that want to export, do not know about the export promotion services offered by our Federal agencies, and they do not know where to begin in order to make use of these services.

To help blunt the learning curve for these businesses, Senator LEMIEUX and I introduced legislation, which is included in this small business bill, to make sure companies have the capital and tools not only to continue exporting but to expand their reach to those 95 percent of customers who are located outside the borders of the United States.

If we really want to get out of this economic slump, we have to look outside our borders. We have to look at the customers across the world.

First of all, this bill increases the activities and staffing of the Department of Commerce U.S. and Foreign Commercial Service Officers in carrying out their mission.

Secondly, it expands the Rural Export Initiative, which helps rural businesses develop international opportunities. Every $1 invested creates $213 in rural exports. That is a return on investment. It does so by helping businesses, to prepare them for profitable growth in global markets. It focuses on locating and targeting new markets, the mechanics of exporting, including shipping, documentation, and financing.

My State is now seventh in the country for Fortune 500 companies. But these companies did not start big. Medtronic started in a garage. 3M started as a sandpaper company in Two Harbors, MN. Target started as a dry goods store in the Nicollet Mall in Minneapolis, and they grew and they grew and they grew and a lot of how they grew was exporting their products, building new stores across the world, sending medical devices to places such as China and India.

Well, do you know what. It is a lot easier for big companies to do it because they have the staff to do it. It is a lot harder for small and medium-sized companies.

I saw success in our State, a little company in southern Minnesota, near Austin, MN, Akkerman Inc., named after Darryl Akkerman, who is there now—the son of the owner. He has been named ''the trenchless digger of the year'' in the United States. He has a product, and it is a big one. He puts big steel piping underground and pushes the piping through to do trenchless digging. Guess what. Countries such as China and India that have a lot of people on the surface of their land, they do not want to dig up big trenches. They want to do trenchless digging. In the middle of a cornfield he has grown from a few dozen employees to 77 employees, all because of exports.

Mattracks, the moose capital of Minnesota, Karlstad, MN, has grown from 5 employees to 50 employees simply by driving to Fargo, ND, and meeting with a woman named Heather who is with the Foreign Commercial Service Department, and finding out what potential customers they had from Turkey to Kazakhstan.

That is what we are talking about, exports. I am so proud the small business bill includes some major provisions, the bill Senator LEMIEUX and I introduced in Commerce. We got it through the committee, and it is now on the small business bill. It is going to make a world of difference so small businesses can access a world of opportunity.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

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

Mr. MENENDEZ. 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. MENENDEZ. Mr. President, I come to the floor to strongly support the legislation before the Senate on behalf of small businesses in this country. They are the greatest generators of jobs in the country. We hear that so often from our colleagues on the other side of the aisle. This is something on which we agree. They are the greatest generators of jobs in the country. So when we are trying to get people back to work, let's help them help us collectively in putting more Americans back to work. That is what this legislation is all about.

We have talked a lot about protecting Main Street, and now this bill gives us the opportunity to do exactly that. It gives communities the guarantees they need to get lending started again, to put money into our engines of job growth, and all without any pay-go implications. That is a good bill.

I wish to thank our distinguished colleague from Louisiana, Senator LANDRIEU, the chair of the Small Business Committee, for her hard work in putting this important legislation together, as well as the ranking member of the committee, Senator SNOWE, for her work on the bill and particularly her past work with me on community development financial institutions or what we commonly call CDFIs. I am very grateful to Senator LANDRIEU, the chair, for including an important CDFI component in the bill before us.

Let me take a moment to talk about how this is an opportunity to have direct and immediate opportunities to help jump-start job growth.

It invests directly in small businesses and local communities by supporting community development financial institutions, or CDFIs, and based on what we know from historic performance—not because we are guessing but from historic performance—the provision I authored will create approximately 40,000 new jobs by authorizing the government to guarantee bonds issued by qualified CDFIs for community and economic development loans. Best of all, again, there are no pay-to implications.

As their name implies, the primary mission of community development financial institutions is to foster economic and community development in underserved areas. They have a proven track record of job creation and are arguably the most effective way to infuse capital in underserved areas for community and economic development.

CDFIs leverage public and private dollars to support economic development projects, such as job training clinics and startup loans for small businesses in areas full of potential but desperate for development.

CDFIs have been hit hard by the recession because they have had to rely on big banks for capital. We know and have seen that capital is neither affordable nor accessible and, to be honest with you, not forthcoming.

I am proud to have had bipartisan support on this provision that is included in the bill. Again, I thank Senator LANDRIEU for including it. I thank Senator SNOWE for cosponsoring it, along with Senators JOHNSON, LEAHY, and SCHUMER.

The idea is simple: If big banks don't care about lending to small businesses and communities in need of capital, then we should empower the very organizations that do care, that make it their mission every day to rebuild Main Street across this country, and that have a proven record of achievement. As I said earlier, all the calculations are based upon their historic performance, and this provision alone, within this bill, could create 40,000 new jobs.

I don't understand how our colleagues on the other side of the aisle can go back home to their States, looking at high unemployment, and rail about the realities that unemployment continues to be high and then be here in Washington stopping the very essence of what could create the jobs to reduce those unemployment levels, put people back to work, and give them the dignity of having a job that can help sustain their families and realize their hopes and dreams and aspirations. I don't get it. But that is where we seem to be. We seem to be where everything has a political equation, which is to ultimately have this President and this Congress fail, and somehow that is the road to electoral victory.

If you were just a political tactician, maybe that would make sense. The problem is, it is not about this President or this Congress failing; it is about failing the country at one of its most critical junctures in history. I hope we can see some support for this legislation.

Finally, I have often heard my colleagues talk about the home building industry. Well, I have an amendment that is out there, and I believe we should be supporting small businesses regardless of what industry they are in. The home building industry has been especially hit hard by this recession, resulting in the loss of hundreds of thousands of the middle-class, blue-collar jobs this country was built on and that communities were built on. Encouraging community banks to fund the construction of housing would not only put many of our unemployed construction workers back on the payroll, it will help revitalize the housing market, which is one of the root causes of this recession in the first place. But it would be nice to have some Republican support, to have that provision included, and to ultimately help us pass the bill, so we can get people back to work.

I hope the Republicans will join in this effort to ensure that all small businesses share in the benefits of this valuable program and this legislation. If we do that, this will be a good downpayment on getting more people back to work.

I don't know, again, how our colleagues seem to be able to go back home and rail about where are the jobs and then be here as the job killers. That is what they seem to be doing all the time—voting no, opposing process, so the creation of jobs is not achieved, so that, in fact, we can find ourselves in a situation in which the American people who are looking to this Senate to help create the circumstances in this country and the economic underpinnings to drive the private sector and create the jobs that they can work in, which will give them gainful employment and help them realize their hopes, dreams and aspirations and, therefore, have money in the economy to spend for the challenges they have and then further enhance the ripple effect of that, which will create more jobs. That is what this is about. It is about the private sector having the opportunities, but the private sector that creates the greatest rates of growth for job opportunities is small business.

I hope our colleagues on the other side of the aisle can find their way to finally come together with us on this specific piece of legislation to create jobs for our families and put America back to work.

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

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

Mr. WHITEHOUSE. Mr. President, I know we are awaiting the arrival of the majority leader on the floor, but I wish to say a few words as in morning business.

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

HEALTH CARE

Mr. WHITEHOUSE. Mr. President, almost every family in America has experienced the pain of a loved one who has been diagnosed with cancer. Today, I want to tell the story of the Grimes family from West Greenwich, RI.

According to the Rhode Island Department of Health, nearly 4 in every 10 Rhode Islanders will develop cancer sometime during their life. In a State as small as ours, this means almost everyone has a friend or a family member who is affected by this disease. For those of us who have been touched by cancer, directly or indirectly, those are memorable emotions. In my family, both my mother and father died of cancer.

Survival rates have greatly increased for many forms of cancer, thanks to new technology. But one form of cancer has not seen the same progress, and that is pancreatic cancer. Janet Grimes recently wrote to me about her mother Muriel who was diagnosed with pancreatic cancer this past April. Currently pancreatic cancer patients have about a 6-percent chance of living more than 5 years and about 75 percent die within the first year. These are dismal numbers.

Janet has watched this cancer deeply affect her mother's quality of life. Janet wrote me that her 82-year-old mother was active, sharp, vivacious, and living in her own home in North Carolina until this disease struck. Since then, Janet has had to move her mother to Rhode Island to care for her, taking a leave of absence from her work. In the past few months, her mother has lost 25 pounds, is frequently nauseated, and needs constant care. Janet is seeing all too clearly how devastating this disease can be. As I speak, it appears our thoughts and prayers need very much to be with the Grimes family.

Janet has authorized me to speak about what is happening in her family because she is concerned about pancreatic cancer research, that it suffers from a lack both of funding and of institutional focus, constituting less than 2 percent of the National Cancer Institute's research funding. According to the American Cancer Society, pancreatic cancer remains the fourth leading cause of cancer death overall. In fact, they estimate that in 2010, more than 43,000 people in the United States will be diagnosed with this disease, and nearly 37,000 will die.

We may not yet be able to cure this terrible disease, but there are important steps we in Congress can take. I have introduced the Pancreatic Cancer Research and Education Act to help address this funding and research gap. It is a bipartisan bill cosponsored by 20 colleagues, including 4 Republicans. It makes vital investments in research into new treatments and represents a strong Federal commitment to fight back against pancreatic cancer.

Specifically, this bill directs the Secretary of Health and Human Services to design and implement an initiative to coordinate and promote pancreatic cancer research and increase physician and public awareness of the disease. It creates an interdisciplinary committee to guide pancreatic research activities, develop an annual strategic plan, and make recommendations regarding the prioritization and award of NIH grants for pancreatic cancer research. Finally, it authorizes an NIH grant program for research institutions to develop innovative compounds or technologies for prevention, early detection, or treatment with cancers with 5-year survival rates of less than 50 percent. And, of course, pancreatic cancer is well less than 50 percent.

It authorizes the Secretary of Health and Human Services to designate two centers of research excellence focusing on pancreatic cancer research.

As I said, our thoughts and prayers this evening need to be with the Grimes family. Their story, however, is just one of many that my office has received calling for this much needed investment.

For these families and for others who will face the same dread diagnosis, we need to keep working toward advancing pancreatic research and awareness. I hope my colleagues will join me in support of this legislation.

Mr. President, I rise to speak about an important provision included in the Small Business Jobs Act that will significantly reduce fraud, abuse and waste of taxpayer dollars in Medicare. I commend the Senator from Florida, Mr. LEMIEUX, who introduced the idea earlier this year. I am a cosponsor of that legislation, and he and I have worked on it together with Senator BAUCUS. I am gratified that my colleagues have voted to include it in this bill.

Neither the public nor private sectors have done enough to detect and prevent health care fraud. The National Health Care Anti-Fraud Association estimates that private insurers and government health care programs lose at least $60 billion annually to fraud. In 2008, HHS estimated a 3.6 percent improper payment rate in Medicare fee for service, totaling $10.4 billion, and 10.6 percent rate in Medicare Advantage, or $6.8 billion. These funds should be used to provide health benefits for seniors but are squandered on criminals instead.

The Departments of Justice and Health and Human Services have taken important steps to attack the problem, creating a joint task force on health care fraud and a specialized unit—the Health Care Fraud Prevention and Enforcement Action Team—to prosecute fraud and abuse. But in a program as large and complex as Medicare, these efforts are too often hindered by technical blind spots. We can only pursue those offenders we can detect, and the volume and speed of Medicare reimbursement data too often overwhelms our ability to catch wrongdoers.

The fraud prevention provisions in this bill represent a paradigm shift in fraud detection and prevention, moving away from the ''pay and chase'' model to an environment in which fraudulent claims can be flagged and investigated before taxpayer funds are spent. The bill requires Medicare to deploy the most advanced technology at our disposal predictive modeling systems currently used in the credit card and banking industries to sift the chaff from the wheat, so to speak.

These systems can analyze significant volumes of data and identify patterns of behavior by certain providers as presenting a high risk of fraud. These claims can then be flagged for further investigation and denied if fraudulent.

In the program's first year, the system will be rolled out in 10 States that have the highest levels of waste, fraud and abuse. Ten more States will be added in the second year. The Department's inspector general will report on the effectiveness of the program at the end of each of these years. If such reports demonstrate to the Secretary's satisfaction that it saves taxpayer funds and operates correctly, the system will be expanded to Medicare claims nationwide.

We must marshal our best technical know-how to defeat the cheats and crooks that swindle the taxpayers and Medicare beneficiaries. This bill starts us down that road, and I applaud my colleagues for including it.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, on Thursday night, we had a successful vote on the small business jobs bill. It was an amendment that had been worked on for more than a week by Senator LANDRIEU and many others, including Members on the other side of the aisle. We were able to get the votes to pass the amendment—60 votes on it. Now we are back on the bill.

I was told by the Republicans who voted with us on that amendment that it was appropriate before we moved to cloture that there be amendments by the Republicans on the legislation. I conferred with Senator LANDRIEU and, because Senator BAUCUS of the Finance Committee had to provide some of the money for some of the things we did, I conferred with him.

We were told that there were three amendments they wanted to have: a Hatch amendment, one by Senator GRASSLEY, and one by the Senator from Nebraska, Mr. JOHANNS. We agreed with those amendments.

As happens around here and has for many years, when someone offers an amendment, it is very traditional to have an amendment opposite that, a so-called side-by-side amendment. I do not know what could be more fair. We have agreed to their amendments, that we would have votes on them. Our amendments are within the same subject matter of their amendments. I cannot understand why we cannot move forward in good faith on this legislation.

Both parties claim they are friends of small business. This bill gives Members of both parties an opportunity to prove that.

This bill expands access to credit for small businesses across our entire

country, cuts taxes for small businesses across our entire country, and expands both domestic and foreign markets for small businesses.

We spent the last several weeks working with Members of both parties to pull this bill together and bring us to the point we are today—on the verge of final passage. My friends on the other side of the aisle said the only thing standing between us and their support for final passage is giving them an opportunity to vote on some of their amendments.

Last week, they requested we give them votes on three amendments. I repeat, a Grassley amendment on a biodiesel tax credit; a Hatch amendment on a research and development tax credit; and a Johanns amendment on repeal of the corporate reporting requirement in the health care bill. I do not know what could be more fair than saying yes.

I am going to propound a unanimous consent request that would give the Republicans votes on all three of their amendments, with a vote on a Democratic alternative on each one of them.

In addition, I will ask for a vote on a Democratic education jobs amendment and, of course, Republicans would have an opportunity to offer an alternative to that amendment. If they truly are friends of small business, if they meant what they said last week, the Republicans should accept this request because we are, in effect, saying yes, and we would then be on a path toward completing this bill.

The only alternative we would have then, which would be disappointing for I think most everyone, is we would have, by virtue of the rules, a cloture vote sometime in the morning. I hope that is not necessary.

Mr. President, I ask unanimous consent that the pending motion to commit be withdrawn; that all pending amendments be withdrawn, except amendment No. 4519; and that the following amendments be the only amendments in order to amendment No. 4519, with no motions to commit or motions to suspend the rules are in order during the pendency of H.R. 5297; that all amendments included in this agreement be subject to an affirmative 60-vote threshold; and that if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid on the table; that if it does not achieve that threshold, then it be withdrawn; that any majority side-by-side amendment be voted on first in any sequence of votes; further, that debate on any amendment included in the agreement be limited to 60 minutes each, with all time divided and controlled in the usual form:

Baucus amendment regarding information reporting provisions health care as a side-by-side to Johanns amendment No. 1099 reporting amendment; Johanns amendment No. 1099 which is on reporting; Murray-Harkin amendment regarding education funding; a Republican side-by-side to the Murray-Harkin amendment regarding education funding; Baucus amendment regarding expiring provisions, as a side-by-side to the Hatch R&D amendment; the Hatch amendment regarding R&D; Reid amendment regarding FMAP/Cobell funding; Grassley amendment regarding biodiesel; that upon disposition of the listed amendments, no further amendments be in order; that the substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill; finally, that once this agreement is entered, the cloture motions on the substitute bill be withdrawn.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. This is a bill which, at its core, initially had pretty broad bipartisan support. But, as sometimes happens in the Senate, it got all snarled up with a variety of other matters.

I would like to propound an alternative consent with the following explanation. When you review the record on this bill, you will find that we have had exactly two votes. One was a motion to proceed, and the other was on an amendment offered by the majority. The majority leader has filled the tree on three separate occasions on three different substitutes. In effect, we have been completely shut out on the floor in terms of amendments we wanted to offer. We basically had to ask permission to offer amendments. I don't like that kind of process, but to get things moving, we actually gave the other side copies of our first few amendments almost 2 weeks ago—2 weeks ago. We were told the other side would want alternatives to our amendments, and it took until about an hour ago—an hour ago—before they produced their amendments.

So to be clear, the majority leader moved to proceed to this bill on June 24, and since the time the bill was actually pending, the small business bill was set aside to consider six other legislative matters during that period. And although I supported a number of those other issues, the fact is, we have not had any opportunity to offer amendments.

Having said that, I believe a better way forward is as follows:

I ask unanimous consent that the cloture motions with respect to the small business substitute and bill be vitiated.

I further ask that the following amendments be in order to the Reid substitute: the Johanns 1099 repeal, the Hatch R&D, the Hatch tax hike prevention, the Grassley biodiesel, the Sessions amendment on spending caps, a Hutchison amendment on nuclear loan guarantees, a McCain amendment on border security, and a Kyl amendment on death tax.

I further ask unanimous consent that it be in order for the majority to offer a relevant side-by-side to any of the above-mentioned amendments.

Before the Chair rules, I would tell the majority leader that I will work with each of our sponsors to lock in reasonable time agreements on these amendments.

Therefore, Mr. President, I propound that alternative consent.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I am terribly disappointed, Mr. President. We have tried our utmost to be fair and reasonable, but it is obvious there is no effort here to solve the problem with small business across this country.

The spending caps in the Sessions amendment we voted on five times, at least. Anyway, we have voted on it quite a few times.

Nuclear loan guarantees. This is an amendment that is suggesting there are not enough loan guarantees for constructing nuclear powerplants. And that is probably true, but that has nothing to do with this bill. That is not small business. We are talking about tens of billions of dollars—tens of billions of dollars for one plant, and we are talking about five or six plants. So we are talking about maybe $50 billion. That has nothing to do with small business.

The McCain amendment on border security. We know that is the place they always go—''they'' meaning my friends on the other side of the aisle—is to border security. It is interesting to note that on the supplemental appropriations bill, that was one of the amendments that was on the bill we got from the House, and we agreed to do that. We said: Let's do that. The money is there. Let's do it. There was an objection from the Republicans.

So I feel so disappointed for a lot of reasons, not the least of which is small businesses in America need this help. The Small Business Administration needs what we are doing here, and community banks need what we are doing here.

I also feel badly for another reason. Senator LANDRIEU, the chairman of the Small Business Committee, has worked on this matter tirelessly for a couple of weeks. The Landrieu provision was taken out of the bill in an effort to get enough votes to pass this. She was given the assignment of getting some Republican support, and she did that. That is how we got the votes last Thursday evening, because she worked with them and we picked up two Republican votes. So I feel bad that she is not going to see the fruit of her labors unless something changes. She has done remarkably good work.

This legislation is supported by chambers of commerce and all kinds of

organizations. This is not a Democratic bill; this is one that is bipartisan. If there ever were anything that is bipartisan, it is this bill.

The estate tax? Let's be serious. We all know, Mr. President, that this is an effort to stall and not do this bill. There is no suggestion that we don't need to do something with the estate tax before we end this congressional session, but it has nothing to do with this legislation before us. We were told there were three amendments they wanted, and we agreed to take those.

So regretfully, unless someone can come up with a proposal that is something that has reasonableness in it—I can't imagine what is wrong with what we have suggested. We take their three amendments, we have side-by-sides to those and go to cloture in the morning.

I notice the consent agreement they have given us here has no time limit. I know my friend said he would work on time agreements. And even when we finish this, there is nothing that says we would even go to the bill then. This is the proverbial stall we have had all year—an effort to say no to everything we do. So I regretfully have to object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the majority leader's request?

Mr. MCCONNELL. Reserving the right to object—and I will object—I would just say to my friend that this bill initially did enjoy bipartisan support. But where we stand today, the Democrats want to offer amendments about health care, about educational funding, about FMAP, and about Cobell funding, so we have both sides sort of piling on here.

I guess I would say to my friend from Louisiana that this is a discussion worth continuing with her counterpart, the Senator from Maine, who is our leader on the Small Business Committee, because somewhere in all of this there is a bipartisan bill, if we can structure the right kind of process that eliminates the feeling—beyond feeling, the reality of the minority getting shut out.

Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, if the minority leader will yield for a question, I appreciate how the leaders have tried to work together, although we don't seem to be getting to an agreement at this moment, but I wanted to ask the minority leader to clarify something. When he said things got snarled up, I don't know what has been snarled. The only amendment that has been offered on this bill, which was passed with 60 votes, was an amendment offered by Senator LEMIEUX from Florida, who is a Republican. It wasn't mine. I was a cosponsor, but he was the lead sponsor. It was a Republican amendment that was offered on the floor and received 60 votes. Is that what he was referring to that got snarled or was it something else?

Mr. MCCONNELL. I would just say there is now substantial opposition to the bill. I sense a significant lack of enthusiasm on the part of our ranking member. She can speak for herself, but my advice to my friend from Louisiana is that this is worth continuing to discuss to see if there isn't some way to get this bill passed in a form that is acceptable to most of the Senate.

Ms. LANDRIEU. May I ask another question? I appreciate what the Senator has said, but the ranking member has made it clear for many months now that she doesn't support—and I have great respect for her—the Small Business Lending Fund. So we actually did what we were supposed to do. We had a debate for 12 hours on the floor, and everybody got to speak. She spoke, I spoke, everyone spoke. And do you know what happened? The minority leader may remember. We got 60 votes, so we won.

Mr. MCCONNELL. If the Senator will yield for a suggestion.

Ms. LANDRIEU. Hold on. I just want to say, if that is not the process, I don't know what is. We didn't cut that deal in the back room. We told everybody what we were going to do. I stood out here for 12 hours. We voted in public. Everyone knew about it. So if that is the definition of snarled, we have a real problem.

But go ahead. Yes, I will yield for a question.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I was going to say that those points are ones better addressed to the Senator from Maine, and she is not on the floor at the moment. I am sure, if you can discuss it—you know a great deal about it as you have worked on it together. I think you ought to continue to discuss it.

Ms. LANDRIEU. Well, I appreciate that because I do have the greatest respect for the Senator from Maine. But she has not been excited about this program. She voted no, but we got 60 votes for the program. So I think perhaps we might find a way forward.

I am going to yield in just a minute, but the minority leader said he wanted eight amendments; our side wants three. Maybe we can figure out some way to agree on five on each side and get the small businesses in America the help they need.

I don't know if the Senator from Illinois has an idea, but the Republicans want eight; we want three; let's get five.

Mr. DURBIN. If the Senator from Louisiana will yield for a question, the majority leader just said we are going to continue to work on this, but I remember yesterday, during the debate on the DISCLOSE Act, the Republican leader came to the floor and was critical of the fact that we had left the small business bill. He said: Why don't we stay on the small business bill? It is very important.

Today, we couldn't work out an agreement when we accepted the three amendments which the Republicans said they wanted to offer. We said: Fine, you may offer those three, we will offer three, and let the Senate decide.

Now the Senate minority leader, the Republican leader, comes to the floor and objects again. He can't have it both ways. He can't complain that we are killing time here on the floor instead of taking up small business and then, when we return to it, object to finishing the bill.

Right now, if I am not mistaken, we are facing a cloture vote. That will happen automatically in the morning, if I am not mistaken, on this bill, and I am hoping we can either get a unanimous consent agreement by then or some agreement by some Republicans to stand up for small business.

Ms. LANDRIEU. Yes. And I thank the Senator.

Mr. DURBIN. Is that not true? I am supposed to form a question.

Ms. LANDRIEU. I think the Senator has assessed it correctly. But we have worked in a bipartisan fashion through both the Finance Committee—and I see the Senator from Montana, the leader of that committee, is here—and through the Small Business Committee. There were a few issues that couldn't be worked out in those committees, so the idea is to bring them to the floor and get a vote. We brought the lending provision to the floor, we had a vote, and we got 60 votes.

So let's just continue to move on. If someone wants to offer an amendment to strike it and take it out—I don't think they will get that but, fine, and let's move on. It is a very strong bill.

I just want to say that the only amendment that has been adopted to this bill has been a Republican amendment—with my cosponsorship—by Senator LEMIEUX from Florida because he says he has a State full of small businesses that desperately need this help. So we are not that far apart. They want eight amendments; we want three. Maybe we can figure out five amendments that could be offered because I think the small businesses of America deserve our best efforts.

I thank the Senator from Illinois.

MORNING BUSINESS

Mr. REID. Mr. President, it appears we have reached an impasse here. I ask unanimous consent that we go into a period of morning business now, with Senators permitted to speak for up to 10 minutes each.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Ms. LANDRIEU. I wish to speak up to 10 minutes.

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

SMALL BUSINESS LENDING FUND ACT

Ms. LANDRIEU. Mr. President, I am still hopeful we can find a way forward. Many things in life are worth fighting for and this bill is one of them. I did not know if we would have to fight 12 hours and a few days or 12 hours and a month. But we are going to continue to fight for a strong small business bill for America.

It is extremely important that we focus our attention on small business and that is what this bill does. We have a bipartisan bill. We have had a bipartisan amendment offered by the Republican from Florida, Republican GEORGE LEMIEUX, that got on this bill after 12 hours of debate. It is a stronger bill because of it.

Because of a request by Senator LINCOLN from Arkansas and, I understand, Senator SAXBY CHAMBLISS from Georgia, the leader, our leader, included at the request of both of them—not one, but both the Senator from Georgia and the Senator from Arkansas asked for the farm disaster relief to be included. It costs $1.2 billion. The wonderful thing about it is it is paid for.

The status now is we have a very strong bill—$12 billion in tax cuts, a small business lending program and credit and collateral programs, a strengthening of all the SBA programs, the entire bill is paid for, and we have bipartisan support. What could go wrong?

Something has. I am not sure that I know all the details of it, but I do know this bill is worth fighting for. I have been joined by the U.S. Chamber of Commerce, the National Federation of Independent Business—I am going to submit again the long list of associations supporting this bill. I wish I could tell all these organizations that we could get this done tonight or in the morning. We have a vote in the morning.

If we cannot get it done in the morning, and we may, I want the leader to know we are going to work hard over the August break because small business in America is desperate for a bill such as this, with a menu of choices, things that could work for them. We have spent a lot of time focused on Main Street.

We have given a lot of tax credits for big business. We bailed out the auto industry. We bailed out Wall Street. Yet when it comes to supporting and coming to closure on an extraordinarily good bill for small business, we cannot seem to do it because one side wants eight amendments and one side wants three? We can't figure that out? Any three? Any eight? Even if they are not paid for, people can vote them up or down.

I hope these organizations that have a lot at stake in this bill, our community bankers, our realtors, homebuilders—manufacturers have worked so hard. Because of the Senator from Montana, something that the self-employed wanted—and Senator DURBIN has worked on this, actually worked for 8 years to put a $2 billion tax break in for the self-employed so they can get a write-down for their health insurance. They worked on that. We tried to get it done on the health care bill and could not. Senator BAUCUS promised the minute we had an opportunity we would do that. That is in this bill. So we have a $2 billion tax cut for the self-employed, to help them fund insurance for this year.

We have $10 billion in other targeted tax cuts for small business as well as strengthened programs that raise the loan limits, et cetera.

I think the bill is in great shape. We just need to get it over the finish line, and I hope the Senator will continue to fight for it because he has and I hope he will continue.

Mr. DURBIN. Will the Senator yield for a question?

Ms. LANDRIEU. I will yield for a question.

Mr. DURBIN. She made reference to the fact that the Senator from Arkansas, Senator LINCOLN, had asked for some agricultural disaster assistance which is now included in this bill, and she has represented in the Senate that this has bipartisan support?

Ms. LANDRIEU. Yes.

Mr. DURBIN. I don't know if the Senator has heard from others that they object to her adding this in the bill, but if I am not mistaken, we are prepared to take a vote on that on the floor on the agricultural disaster assistance, if that is what is being asked of us.

Ms. LANDRIEU. I thank the Senator for raising that. Although it was not said publicly, I have been told privately that there is some strong objection on the Republican side for including that. I said I thought it was a bipartisan amendment, but if it is not, perhaps something could be worked out where we could have a straight up-or-down vote on that on the floor. That did not seem to satisfy the critics. Let's wait and see. I don't know how to respond other than I have heard that. I have said I think there are enough votes on the floor of the Senate, Republicans and Democrats, to vote to move that provision with this bill. If there is any doubt about it, then let's have a straight up-or-down vote on it, but we will see.

Right now, in conclusion, the bill, the package that came to the floor, has one amendment offered by Republican LEMIEUX and LANDRIEU, and the agricultural disaster. That is it. That is what is in this bill and it is worthy of a positive vote.

If there are three or four or other things that need to be amended, we should figure that out, but I am prepared to vote to move this bill to final passage because it is in excellent shape with bipartisan support—although not everybody supports every provision. We most certainly have had a very rigorous debate and hopefully we can continue to keep this bill in its current form, with maybe a few additions, but if not, it is in very good form now, and I yield the floor.

I will suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Alaska is recognized.

Mr. BEGICH. I appreciate the Senator coming up for a couple of minutes while I echo the concerns of the Senator from Louisiana. I listened to this debate that was going on for hour after hour and, as a new Member, I have to echo what the Senator said.

The committee worked on it. They worked very hard, and not just the last few weeks. For the last year and a half it seems like she has been working on this—a good small business package that ensures that the small business communities of this country in my State and your State and the State of the Presiding Officer can move forward, can advance. The Senator did not come to agreement on some, so she came to the floor. She worked an amendment and 60 people supported it. That is part of the bill now. That is part of the process.

I don't know about this idea of going behind closed doors and trying to work it out when you have done that. You have done the people's business in front of the people. That is exactly how, I thought, as a new Member of this body, it works. You fight your fight in the committee, you win or lose, and then you get a chance down here hopefully to offer an amendment. It might pass, it might not pass.

I think what we have tried to do—and I commend the Senator for it—in this bill, to echo what the Senator said, is about $12 billion that the small business community will not have to pay to the IRS. It will save them money. It will get the IRS out of their pockets. This is good for small business.

When they made the comment on their side this might be killing time, they are killing small business. Every day we wait to not allow them an opportunity to reduce their taxes, to save them money, to give them a chance to expand their businesses, is outrageous.

The second piece, on the loan package, is a great loan package. No one is forcing the community banks to do it; it is an option. If they do it, they get a lower rate that the small businesses then benefit from and create new jobs and more jobs. They are the creators of the new economy and long-term economy of this country. Fifty-six percent of the employment in my State is from small business. This is a good plan.

Why they want to go into all these other amendments that have no relationship to small business—it is appalling. That is why the American people are so mad at Congress, why we have

an 11-percent popularity rating, because people want to put on their special deals so they can say some statements in a campaign, when we should be focused on small business. We can all say then we helped save this country from another economic collapse because we actually invested in the people who build jobs, who work every single day. As we sit here and wrangle over a couple of amendments, they are trying to make their businesses survive.

I was not planning to speak. I just got a little agitated. Again, as a new Member I get so frustrated with all these political gimmicks they want to add on the bills when we should be focused on one thing. Small business is what we need to protect. I have been in the small business world. I have taken out these 7(a) loans that SBA does. I have dealt with the 504 loans. I have seen the impact in my State, tripling the amount of small business loans because we made adjustments in the Recovery Act that you are now trying to extend. It works. It actually creates real jobs.

For us to sit down here and have the other side come down and say we are killing time—they are killing small business every day.

I got a little agitated. I wanted to come down and say my piece. As a person who had my first business license at the age of 16 and still continue to have business licenses today—my wife is a small business owner—we understand what businesses go through.

When the chairman of the Finance Committee talked about the 179 depreciation, accelerate it, that is a huge benefit. If you can write off $250,000 in the first year and put in the 30-percent tax bracket, that is a $75,000-plus savings, hard cash now that small businesses can generate and put into their businesses. I don't know how many people on the other side have been in small businesses and have had to struggle and deal with their bankers and deal with tax returns and all that. I have. These provisions will make a difference and create jobs, not only today but in the future.

I commend the chairwoman for what she is doing. I agree, it is a simple solution. Let's move on, save our businesses, save our country, and protect the jobs we need to have in this country.

I will stop there before I go on.

Ms. LANDRIEU. I wish to speak for 2 minutes to close this out.

I thank the Senator from Alaska who has been very forceful in his advocacy for this bill and for lending the experience he has had, before he was a Senator, as a small business owner to help strengthen this bill.

I want to be very clear. As this bill stands right now, this was a bipartisan bill when it came out of the Small Business Committee and the Finance Committee and it still is a bipartisan bill. The only two changes that have been made to this bill we are going to vote on tomorrow—the only two that were made to this bill—No. 1 was a LeMieux-Landrieu amendment that added a $30 billion small business lending fund that was voted on on the floor of this Senate by 60 Senators, a voluntary small business lending fund that goes only to small community banks so they can turn around and lend money to Main Street. That is it.

In addition, the Senator was smart enough to also ask for, and it was in that amendment, an antifraud provision to save the taxpayers money from people trying to defraud the Federal Government by not using their credit cards in the right way when they pay for Medicaid and Medicare services. That is an added benefit to the taxpayer.

The third piece of this amendment, to be very clear, was an expansion of an export provision that Senator SNOWE and I jointly put on the bill that the Senator did with Senator KLOBUCHAR. So all three aspects of the LeMieux-Landrieu amendment were jointly supported by Republicans and Democrats and debated for 12 hours on this floor, voted on with 60 votes.

The other amendment that was added to this bill in late night negotiations, which was in public view and public record because it was done at about midnight in public view, was that the leader said—at the request of both Senator from Arkansas, Senator LINCOLN, and the Senator from Georgia, Senator SAXBY CHAMBLISS—he was going to put in a $1.2 billion disaster loan provision for farmers, not all but many of whom are small businesses.

I know you might say why is that on this bill. This is a small business bill and that is a farming issue. It is an issue important to Members on both sides. There are not going to be that many bills passed between now and the next few days.

Ms. LANDRIEU. The farmers are an important constituency. They have broad-based support. So that is on this bill. That is it; the bill as it came out of Finance, the bill as it came out of Small Business with those two amendments—one put in by the leader on the request of Democrats and Republicans, another one added by a public vote, by the Members of this body. This is a very good bill.

I do not understand why we cannot have eight or five or three. But I want the small business community out there to know, they need to fight for this bill in its current form. We can have a debate on nuclear policy on an energy bill. We can have a debate on tax extenders on the extenders bill. We can have a debate on Tax Code changes on a finance bill. But this is a very bipartisan, strongly supported, broad-based small business bill that is going to affect every Member in a positive way.

I see my friend from Rhode Island. I do not want to take any more time, so I will yield the floor.

I thank my colleague from Washington State who may speak on this and other subjects.

She has been extraordinary. And she knows. She has built a small business that turned out to be quite a big business—very successful. So she has been there before, and she understands what businesses need, the kind of capital they need to grow.

I thank both Senators, particularly the Senator from Rhode Island for his tremendous support.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH.) The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, shortly I will be going into the closing script for the evening. But before I do that I wanted to first commend the Senator from Louisiana for her tenacity on the subject, Senator CANTWELL of Washington State, Senator MERKLEY of Oregon, and others who have been equally determined. But Senator LANDRIEU has been the front and center voice, and it has been impressive to watch her in action. I wish her success and pledge her my complete support.

ENERGY

Mr. WHITEHOUSE. Mr. President, before I go to the closing script, I just want to take a moment to express my sorrow and dismay that we appear to have walked away from doing anything serious about our energy posture and the hazard that carbon pollution is creating in our climate and in our atmosphere during the remainder of this Congress.

People will tell you differently, and there clearly has been a massive campaign of misinformation and disinformation funded by very powerful special interests. But I think the facts are pretty clear. History will judge us whether we are right or wrong. But I feel safe in history's judgment that if we do not act seriously to do something about our energy picture, there are real consequences coming. There are real consequences coming.

In my home State, you can go to Johnston where there are nurseries, and some of them have been owned for generations. For the first time a few years ago we had a winter bloom. A cherry tree in my yard in Providence bloomed in January. It has not happened before. I spoke to some of the nursery owners, again, going back generations; no recollection of that ever happening. Of course, you start blooming fruit trees out of season, you can put that crop in peril.

If you go out to Narragansett Bay you will see that the winter water temperature of Narragansett Bay has climbed about 4 degrees. That may not seem like much to us who do not live in those waters, but as Perry Jeffries, who is a very distinguished marine biologist at the University of Rhode Island, told me years ago, that is an ecosystem shift. Our fishermen have seen

that ecosystem shift. They used to trawl for winter flounder, a very productive crop in Narragansett Bay. That is almost gone. The population has crashed 90 percent, by press reports. Now they catch scup instead. There is nothing wrong with scup, but it does not pay what winter flounder does, and it has had a real effect on that industry.

If you go out more broadly into our oceans, you go up to the Presiding Officer's home State of Alaska, into the far North, and you see ice caps that have been there for as long as the memory of the Native Alaskans runs. They have been there for as long as the memory of man runs. Now they are receding and disappearing and changing the entire arctic ecosystem.

If you go down to the Southern Ocean and the tropical coral reefs that are the nurseries of the oceans, they are bleaching, they are dying, they are going. Many are gone. If you go way offshore, you find garbage gyres in the Pacific the size of Texas and things we have dumped that are trapped out there.

You find a dead zone in seas around the world, where there simply is not the oxygen left to support life. Wherever you go, you find the acidification of the ocean. The ocean is more acid right now than it has been in 8,000 centuries, and 8,000 centuries is a long time.

We are gambling with some very dangerous consequences when we are not doing something about an ocean whose acid level is the highest it has been in 8,000 centuries. Science tells us that there have been ocean die-offs before. Very bad things can happen.

We need to take prudent action now, and it is not as if this is a choice just between a dangerous future that we need to guard against and costs that we need to impose on society now to protect against those dangers. I would be happy to have that conversation. I think it is still important because those outyear concerns for our grandchildren, our great-grandchildren are so serious that it merits a little bit of effort now and maybe even a little bit of economic pain now to spare them disaster.

But, in point of fact, when you make these investments in a new green, renewable economy, you actually win. It is not lose now to win later, it is win-win because we advance our green economy, we claw back the advantage that the Chinese, the Indians, and others—the European Union—are running away from us right now because we have not adapted our policies to the needs of the moment. You create jobs, thousands and thousands, hundreds of thousands of jobs.

You reduce our deficit; that was the calculation. You clearly enhance our national defense—there is literally no dispute about that—and you take a vital step toward energy independence so we are not in that terrible cycle of funding people who wish us harm and do us harm. Those are all wins.

There are people on this floor who would come and object. We did not have one Republican vote. Not one. Not one. But I think we should have had the fight anyway. I think it is an important fight to have. I think history will look back on this day, and when they are looking at the consequences of our heating planet, of all of the changes in our economy and our habitat in our home States that will accrue, and they look back and say: Why did you do nothing, it will be very hard to have an answer.

I think it would be better to answer: Well, at least we tried. Frankly, I think because the American public is so clearly behind this, if we had taken this to the Senate floor and we had a real fight, if we had the White House behind us and ready for a fight, if the environmental community was willing to put their resources behind this moment and stand up at the same time and join that fight, and if all of the hundreds and thousands of green businesses out there were willing to go to their elected officials and say: This is good for the economy, good for our jobs, good for development, it will help put us back in the fight against China and India and the European Union, I think we could have won. I truly think we could have won.

We probably would have started with maybe 50 Democratic votes. I would hope a few more, but I think once we engaged and all of that pressure came and the logic of the debate began to happen and the magic of the Senate of real debate, of ideas clashing, of back and forth right here in the Chamber began to happen, I think we could have gotten to it.

But even if we had not, we should not have walked away. We should not have just rolled up our tent, given up, and walked away because some fights are worth having even when you lose.

There is a plaque near the pass at Thermopylae where, many years ago, a very small band of Spartans held off the Persian Army for a while. Eventually, they were all killed. There is a burial mound where their bodies rest. On the burial mound there is a plaque. The plaque says: Go tell the Spartans, stranger passing by, that here, faithful to their laws, we lie.

It has been 2,000 years since those Spartans died at the Thermopylae Pass. Today on the Senate floor, a Senator from Rhode Island can talk about what they did that day. If they had said: Gosh, there are an awful lot of Persians there; I do not know if this is such a great idea; we probably are not going to win today; we will just head up into the hills for a while and see how this all works out, well, maybe they would have lived another 10 or 15 years, but they would have lived in shame. They would have lived with a little cloud of disgrace on their consciences for the rest of their days. And 2,000 years later, no one would ever have heard of them. No one would ever have thought of them. There is sometimes value in having a fight even when you cannot win. And if there is value in having a fight when you cannot win, my God, there is value in having a fight when you can.

I think it was worth trying. So I am going to keep pushing and coming to the Senate floor and urging my colleagues to ramp up and let's take on this fight. We have to do it together. We need to have a strong majority of our caucus because not one Republican is prepared to join with us on this issue. Not one.

We have to have the support of the White House. They have to be ready to have a fight. They have to be willing to enter into a fight in which they are not guaranteed a victory. But the principle I believe is, if you set as your own limit that you will not get into any fight you are not guaranteed to win, you are going to miss out on the most important fights of your day. That is no place to be when the stakes are high. So here we are, and there the plaque lies: Go tell the Spartans, stranger passing by, that here, faithful to their laws, we lie.

We could have had a moment. It brings a little bit of goose bumps to my skin to say those words. To think that the sacrifice of those men that many thousands of years ago is still something in our minds, in our history, and in our consciences, I would hope that the day will soon come when we have a similar fight right here and, win or lose, our grandchildren, and our great-grandchildren, looking back on this day when we let them down, will at least know that we tried; that faithful to their benefit, faithful to their good lives, we tried.

NORTHERN ILLINOIS FLOODING

Mr. DURBIN. Mr. President, Illinois, over the weekend, had torrential rains hit our State. They took a terrible toll on already strained water and flood control systems across Illinois. In a matter of hours, Chicago and northwestern Illinois were pounded by nearly record amounts of rainfall. An estimated 60 billion gallons of rain fell on Chicago Friday night. I was driving in. I was there. My wife was struggling to come in from Washington, and it took her all night to make it to Chicago. It led to flash flooding, a lot of evacuation, and lot of property damage.

The rain actually started Thursday night. By Friday morning, we had 6 inches of rain and flood conditions. Another intense rain began again on Friday and didn't let up until Saturday morning. In Joe Daviess County, at the northwest corner of our State, more than 12 inches fell during the course of the weekend. Roads are closed in Joe Daviess, bridges are out, and the county—along with several other counties in the region—have declared a state of disaster as they focus on cleanup and restoring basic services.

Yesterday, I talked to Mayor Larry Stebbins of Savannah and to Sheriff

Jeff Doran of Carroll County. I spoke to Randy Prasse, too, who leads the Tri County Economic Development Alliance. His group is part of the local leadership working to assess damage and restore business.

Across the north and northwestern part of Illinois, people have lost homes and businesses, many more were forced to evacuate, and hundreds of thousands lost power and safe drinking water.

The Chicago area was hit particularly hard by the Friday night rains which dumped 4½ inches of rain on Chicago and up to 7 inches on the nearby towns of Westchester and Cicero. The rains flooded 43 viaducts and quickly filled all 190 miles of the Deep Tunnel system.

I would just like to say to my friends who talk about the access of our river and canal system to Lake Michigan that if we could not send that storm water out into Lake Michigan, the flooding would be dramatically worse. We have a deep tunnel that gathers as much water as we can in these rains, but it is not enough. It was overwhelmed this last weekend. So those who have a concern about the Asian carp, as I do, need to also be as concerned about the environmental impact of decisions that might be made. We are trying to put this in the context of economic reality, flood reality, and certainly the reality that none of us want to see this invasive species in Lake Michigan. But it is a complex interconnected system, and we have to look at the entire system, not some quick press release that might suggest an easy answer that may not really solve the problem but may create more.

One apartment building along the Chicago River was evacuated before 12 feet of water rolled in—12 feet—flooding the basement and cutting off electricity to a 17-story building.

The Sun came out on Sunday and, true to form, Illinoisans began digging out and cleaning up. The damage from these floods led Governor Pat Quinn to declare a State disaster in 12 counties—Carroll, Cook, DuPage, Henders, Joe Daviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside, and Winnebago. As the water begins to recede, the recovery and damage assessment has just begun. Communities such as Savannah, Westchester, Cicero, Melrose Park, and others suffered substantial damage. But anyone who suffered damage during this flood faces a long difficult process to recover. Some homes will need to be rebuilt in some parts of our State, mold and waste removed, possessions replaced or repaired, highways, bridges and other necessary infrastructure restored, and businesses reopened.

Already cash-strapped, many of the affected communities are struggling to figure out how they will manage the cleanup, repair the roads, restore the bridges, and help the residents recover. I spoke last night with John Blum, the County Board Chair for Stephenson County, Congressman MANZULLO, and other leaders in the region. We also talked to Marvin Shultz, Joe Daviess County board chair, and Rodney Fritz, the Carroll County board chair. They are hurting, but they are determined. They are working around the cloak to restore services and get their communities back to work.

As the State and Governor continue to assess damages and options for recovery assistance, I am standing ready, I am sure, with my colleague, Senator BURRIS, to help Illinois residents impacted by this flood. I look forward to working with the Governor to explore any Federal assistance for which the State and communities may be eligible.

Mr. President, I might say, we were recently asked by the States of Tennessee and Rhode Island to deal with their horrible flooding conditions, and we did, no questions asked. In this body, we stand as a family for our Nation. If one part of our Nation is struggling with a disaster, we stand together to help. No questions asked about Democrats and Republicans, no questions asked about are we going to raise a tax to do it. Let's help these people in trouble right now. I hope once the assessment is made we don't have to come here and ask for that assistance for Illinois. But if we do, I will do it with the knowledge that I have stood with other communities and other States when they have faced similar circumstances, and this Senate and this government have responded when needed.

REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD.

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

U.S. SENATE,
SENATOR TOM COBURN, MD,
Washington, DC, July 27, 2010.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 714, National Criminal Justice Commission Act of 2010.

I support the goals of this legislation and believe that our criminal justice systems should be effectively and efficiently managed. However, I believe that we can and must do so in a fiscally responsible manner that upholds the Constitution. My concerns are included in, but not limited to, those outlined in this letter.

First, this bill costs the American people $14 million. While an amendment proposed by the bill's sponsor does have offset language, it is insufficient. It does not specifically rescind a certain program or dollar amount from the Justice Department's budget. Rather, it directs the Attorney General to propose an offset in the amount of $14 million. This will neither guarantee a truly wasteful or fraudulent DOJ program will be eliminated, nor even guarantee an offset will be enacted into law, as the bill does not require Congress to act on the Attorney General's proposed offset.

Moreover, it is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now more than $13 trillion. That means over $42,000 in debt for each man, woman and child in the United States. A year ago, the national debt was $11.2 trillion. Despite pledges to control spending, Washington adds $4.6 billion to the national debt every single day—that is $3.2 million every single minute.

Second, I believe this legislation gives the federal government too much control over the practices of state and local criminal justice systems. This commission is tasked with a very broad and comprehensive review of federal, tribal, state and local criminal justice systems' costs, practices and policies. While I support and affirmatively recommend individual states' investigation and analysis of their own criminal justice systems, doing so is not the responsibility of the federal government. Our Constitution establishes distinct responsibilities for the federal government, and we should use federal funds wisely to prioritize and support those enumerated powers. By allocating $14 million in federal funds under this legislation, we do a disservice to our own federal criminal justice system.

For example, the purposes of this commission are broad enough to include an analysis of juvenile incarceration policies. The Congressional Research Service (CRS) notes, ''administering justice to juvenile offenders has largely been the domain of the states . . . there is no federal juvenile justice system.'' CRS continues, ''states and localities have the primary responsibility for prevention and control of domestic crime.'' This is just one example of how the breadth of commission's duties not only fails the test of federalism, but also fails the federal criminal justice system. By focusing on issues that are clearly the responsibility of the states, this bill gives short shrift to needs of the federal criminal justice system.

States are already free to share with each other the positive and negative features of their individual criminal justice systems. States do not need a federal commission in order to communicate their ideas to one another. Furthermore, the budgetary decision by a state to spend certain state revenues on state corrections, for example, versus other state budget line items is the business of each individual state, not the federal government. Each state has different needs and priorities based on its own unique population for which it must account in its budget allocations. Congress should focus on improving its oversight of the federal criminal justice system under its jurisdiction so it can be an example to the states of best practices, rather than spending money on a commission to help the states determine what is right for their communities.

Third, the scope of the report required under this legislation is entirely too broad to be completed within the 18 month timeline. If Congress is looking for specific recommendations for improvements in federal, tribal, state, and local criminal justice systems, this commission will not accomplish that goal effectively in 18 months.

In fact, the Government Accountability Office (GAO) has been asked to produce similar reports in the past. However, GAO has declined to do so because of the breadth of the report elements, such as the ones required under this bill. In addition, in GAO's experience, states do not return requests for information promptly or responsively in order to create a report that is actually helpful and valuable to Congress. In fact, the outcome of

the commission's report will be heavily based on whether states choose to cooperate in providing information.

Even if the report were narrowed to only study the federal criminal justice system, the scope of issues to be examined is still too extensive. In this bill, the term ''criminal justice system'' remains far too broad. While a report on only the federal criminal justice system could be valuable to Congress, to be effective, such a report should be narrowly targeted on specific features of the federal criminal justice system, such as law enforcement, courts, or detention facilities.

Finally, Congress already has the authority to request reports and studies of the federal and tribal criminal justice system. The Judiciary Committee and its subcommittees are also free to hold hearings on the topics outlined in this legislation. Arguably, the Judiciary Committee is abdicating to the commission part of the responsibilities it is already federally funded to perform. The commission is not necessary in order for Congress to study these issues, and it is likely duplicative of existing Judiciary Committee duties.

Our federal government has a debt of over $13 trillion. While I realize there are likely changes we should consider making to our federal criminal justice system, I do not believe this commission, with its unlimited scope and $14 million in funding, is the best way to determine which improvements may need to occur. Supporters of this legislation believe nothing in the bill requires the states to implement any of the commission's recommendations. It is true, sponsors included language stating, the ''[r]ecommendations shall not infringe on the legitimate rights of the states to determine their own criminal laws . . . .'' However, it is hard to imagine state and local governments would not feel pressure to enact whatever changes the commission recommends. Thus, in effect, not only would the federal government ultimately shape state and local criminal justice policy, but state and local governments could also easily determine they ''deserve'' federal funds to enact what the Congressionally-established commission proposes.

While there is no question there are vast improvements to be made at all levels of the criminal justice system, the federal government should focus on remedying the growing problems in the federal criminal justice system, not spending federal funds to determine what states are doing wrong and how to fix those problems. States can improve their criminal justice systems by learning from other states, as well as the federal government, if only Congress would effectively perform oversight of and insist on improvements within the federal criminal justice system to make it an example the states can emulate.

Sincerely,

TOM A. COBURN, M.D.,
United States Senator.

20TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. KOHL. Mr. President, I rise to highlight the significance of the many events and announcements occurring around the country to celebrate the enactment of the 1990 Americans with Disabilities Act. This week in Wisconsin, disability advocates are holding multiple events around the State to commemorate the signing of the law on July 26, 1990, at a White House ceremony by President George H.W. Bush.

Disability advocates, employers, State and local officials, and policymakers are speaking about and reflecting on how they have worked together and joined forces during the last two decades to make major changes in housing, in transportation, and in health and social services.

There is much discussion in the news and online about the ADA as well. In an online video entitled ''We Came Together: Wisconsin Reflects on the ADA's 20th Anniversary,'' one Wisconsin disability rights advocate, Dick Pomo, observes that ''disability today is simply a fact of life—not a way of life.'' This statement is testament to the hard work of millions of Americans who have come together over the last several decades, and who have journeyed to State capitals and Washington, DC, to deliver the message that they wanted to participate fully in society. Simply put, they did not take ''no'' for an answer.

I am also reminded that in the Senate the ADA is one of the legacies of the late Senator Edward Kennedy, with whom I worked to see that this civil rights bill became the law of the land. The House of Representatives experienced a milestone this week when Representative JIM LANGEVIN of Rhode Island was able to preside over the House because the Speaker's rostrum—a raised platform—had been made wheelchair accessible. This is a wonderful and public symbol of accessibility, a core principle of the ADA.

There are many other concrete, visible gains: kneeling buses, sidewalks and driveways with curb cuts, crosswalks with traffic lights that make audible noises to signal when it is safe to walk, and elevators and ramps that have been artfully worked into the structure of new buildings and even many historic ones. For all this and much more, I salute the tirelessness and tenacity of disability advocates across the country who have joined forces to make American society far more open and accessible to all.

As chairman of the Special Committee on Aging, I know that many of these changes will also be of enormous benefit to our now rapidly aging society. Equally important are a series of changes that are now transforming the way health and social services are delivered to those with lifelong disabilities, as well as to older Americans whose disabilities are age related.

One such key program, known as Money Follows the Person, is a Medicaid demonstration initiative in which Wisconsin has participated since 2003. This program allows States to transition beneficiaries in nursing homes to community-based living situations if they wish to do so. Funds are used for various purposes—for example, for ramps, clothes, equipment and furniture. In Wisconsin, funds have been used to reduce the number of nursing facility beds and to track spending on long-term care services and supports on an individual level. The State has also applied for additional funding under the health reform law's expansion of Money Follows the Person, which is slated to provide $2.25 billion in new funding through 2016.

Another program that has been central to Wisconsin's growing success in making long-term services both more available and more focused on each person's individual needs is its Aging and Disability Resource Center initiative. State officials started ADRCs in 1998 in 8 of the State's 72 counties, and they have been gradually spreading and opening in new counties ever since. The goal is to have a statewide network of ADRCs in place by 2012, operated either by county government or nonprofit organizations. Often called the ''front door'' of long-term care, ADRCs are charged with serving all State residents by providing them with unbiased, comprehensive information about what services and options are available to them, and, where appropriate, with eligibility and enrollment information for the Medicaid Family Care managed long-term care program.

I am pleased that the Obama administration has made ADRCs—which were pioneered in Wisconsin—an important part of their efforts to make long-term services and supports a much more well-defined and well-understood part of our health care system. This is consistent with the intent and language of the ADA, and also with the Supreme Court's Olmstead v. L.C. decision of a decade ago, asserting that involuntary institutionalization of people with disabilities was discriminatory under the ADA. I commend U.S. Secretary of Health and Human Services Kathleen Sebelius for her efforts to engage States in the complex and critical tasks of improving the availability of community-based long-term services and supports, while simultaneously improving the quality and accountability of services that are provided in nursing homes.

One of my constituents recently shared with me a story that demonstrates both how important the ADA has been to people with disabilities, and also how far we still have to work toward a more inclusive and accessible society. Steve Verriden has been a quadriplegic for 35 years, the result of a dive into a lake when he was just 23 years old. Following his life-changing accident, he spent years in a nursing home before he was able to use a community integration waiver to transition to home-based assistance. With his new independence, Steve was also able to go back to school to complete a degree in journalism.

Steve has experienced how the ADA has changed the lives of people with disabilities, literally opening doors that were before inaccessible to people in wheelchairs and with severe disabilities. As Steve transitioned out of facility living and returned to school before the ADA was passed, he knows what it was like to have to wait in the cold for someone to open a door for

him, hope the classes he needed to take would be offered on a wheelchair-accessible building, and rely on friends to drive him and his wheelchair around before kneeling buses came along. Steve has since worked with an Independent Living Center, recruiting and helping people with disabilities transition from nursing homes back into the community, and sharing his personal insights with others in order to help them live more fulfilling and independent lives.

At the ADA's 20-year mark, it is clear that while we have accomplished a great deal, much change still lies ahead. The Aging Committee will continue to monitor implementation of health care reform initiatives that are designed to improve the quality of life for older adults, and will examine and explore new best practices and other efforts that can create better services, housing, and employment opportunities for the millions of Americans with disabilities.

STENNIS CENTER PROGRAM

Mr. KOHL. Mr. President, for 8 years now, the John C. Stennis Center for Public Service Leadership has conducted a program for summer interns working in congressional offices. This 6-week program is designed to enhance their internship experience by giving them an inside view of how Congress really works. It also provides an opportunity for them to meet with senior congressional staff and other experts to discuss issues ranging from the legislative process to the influence of the media and lobbyists on Congress, to careers on Capitol Hill.

Interns are selected for this program based on their college record, community service experience, and interest in a career in public service. This year, 23 outstanding interns, most of them juniors and seniors in college, are working for Democrats and Republicans in both the House and Senate.

I congratulate the interns for their participation in this valuable program and I thank the Stennis Center and the senior Stennis fellows for providing such a meaningful experience for these interns and for encouraging them to consider a future career in public service.

I ask unanimous consent that a list of 2010 Stennis congressional interns and the offices in which they work be printed in the RECORD.

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

Jonathan Alfuth, attending the University of Wisconsin-Madison interning in the Office of Rep. Ron Kind.

Evan Armstrong, attending Villanova Law School interning in the Office of Rep. Bob Latta.

Patrick J. Behling, attending St. Olaf College interning in the Office of Sen. Herb Kohl.

Andrew Clough, attending the University of Oregon interning in House Committee on Rules.

Paul Doucas, attending Georgetown University interning in the Office of Sen. Herb Kohl.

Justin Folsom, graduate of Montana State University interning in the Office of Sen. Jon Tester.

Aquene Freechild, attending NYU Wagner School of Public Service interning in the House Committee on Appropriations.

Elizabeth Garner, attending Vanderbilt University interning in the Office of Rep. Michael R. Turner.

Nicole Gill, attending the University of San Francisco interning in the Office of Sen. Michael Enzi.

Susan Gleiser, attending Vanderbilt University interning in the Office of Rep. Pete Sessions.

Matthew Hoppler, attending Providence College interning in the Office of Rep. Michael R. Turner.

Justin Lee, attending Utah State University interning in the Senate Committee on Rules and Administration.

Amber Manglona, attending San Jose State University interning in the Office of Rep. Zoe Lofgren.

Hallie Mast, attending Ashland University interning in the Office of Rep. Bob Latta.

Rachael Nelson, attending Augustana College interning in the Office of Sen. Kent Conrad.

Ryan Oxford, attending the University of Michigan interning in the Office of Rep. Michele Bachmann.

Kristin Palmer, attending George Washington University interning in the House Committee on Appropriations.

William Rohla, attending Minnesota State University Moorhead interning in the Office of Sen. Kent Conrad.

Wes Wakefield, attending the University of Mary interning in the Office of Sen. Kent Conrad.

Kasey Wang, attending the University of Michigan interning in the Office of Rep. David Wu.

Zachary Warma, attending Stanford University interning in the House Committee on Armed Services.

Jared Wrage, attending the University of Wyoming College of Law interning in the Office of Sen. Michael Enzi.

Hannah Wrobel, attending the University of Wisconsin-Madison interning in the Office of Rep. Ron Kind.

BOY SCOUTS OF AMERICA 100TH ANNIVERSARY

Mr. LEMIEUX. Mr. President, I rise today to pay tribute and recognition to the Boy Scouts of America as they gather in our Nation's Capital to celebrate their 100th anniversary.

The Boy Scouts of America was incorporated on February 8, 1910, by William Dickson Boyce. Over the last century, the Boy Scouts of America has reached more than 114 million young people by combining lifelong values and educational activities with the fun and wonder of the outdoors.

Scouting plays an important role in preparing generations of young men for the responsibilities of adulthood. Boys learn the importance of respect and community service. Through scouting activities, Boy Scouts discover the satisfaction of achievement and self-confidence. Today's Scouts embrace a lifelong commitment to service, and embody the values of personal responsibility and self-discipline. They share a love of our environment, an appreciation of diversity, and an idealism and optimism in the future of our country. These are values that must continue to be cultivated and strengthened in communities all across our great Nation.

The Boy Scouts of America embody the moral values important to any society, and Scouts and Scout leaders are to be commended for their good work in promoting these values. As found in the Scout's Handbook, ''A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent.''

Let us welcome the Boy Scouts of America to Washington, DC, for their 2010 Boy Scout National Jamboree and recognize their enormous contributions to our country. I commend the Boy Scouts of America organization for a century's worth of service and commitment to instilling the finest values in America's future leaders.

ADDITIONAL STATEMENTS

REMEMBERING GEORGE J. RITTER

• Mr. DODD. Mr. President, today I honor the life and career of George J. Ritter, who passed away on July 18, 2010, at the age of 90.

George was a remarkable public servant and a person of great principle and energy. His commitment to helping the less fortunate and for advancing social progress through the law made a lasting impact on the city of Hartford and the lives of many working families.

He grew up in New Jersey, raised by the children of German immigrants who were the very embodiment of the American dream. His grandfather had been sent to this country—alone—as little more than a child and began working full time to build a new life at the age of 12. His parents both began working when they were very young as well.

Their lives and the values they espoused had a deep impact on George, and it should come as no surprise that he would become a stalwart advocate for advancing the economic opportunities of all Americans, particularly for working families and minorities.

This clearly defined sense of social justice and the value of equal opportunities no doubt contributed to George's lifelong captivation with the law and the Constitution. He even hitchhiked as a teenager all the way to Washington, DC—just to observe the U.S. Supreme Court firsthand.

In our Nation, the will of citizens is the strongest force for social change. But building the coalitions necessary to make change happen is a difficult task and requires a common vision and commitment, and lots of energy.

George certainly had energy, and got to work building coalitions to push for change at a young age. As a student at Rutgers University, he worked to organize the nonfraternity members of the student body into a cohesive voting

block—which in turn, elected him to serve as the first nonfraternity student body president in the school's nearly 200 year history.

After college, his passion for the law took him to Yale Law School, in my home State of Connecticut. His legal education was interrupted by his distinguished service to the United States in the Pacific during World War II. Upon finishing his degree, he became active in the U.S. labor movement. He and his wife and partner in social activism, Patricia, had the opportunity to travel the United States and Europe studying unions and the labor movements that were beginning to gain steam and become a force in politics and society all across the globe. As a young labor attorney he worked to organize some of Connecticut's first municipal unions, and also served as an attorney for Dr. Martin Luther King, Jr.

At the ripe old age of 36 he became Hartford Corporation counsel, which launched a career in public service that continued until 1980. He served on the Hartford City Council from 1959 until 1968, and in 1969 was elected to represent Hartford in the Connecticut General Assembly. During his time on the council and in the general assembly, George worked to highlight and pursue progressive solutions to issues that were not yet part of mainstream concerns; from civil rights, to elder and juvenile justice, to government accountability, and of course, working to provide equal opportunities for all.

He was truly a pioneer when it came to raising concerns about and finding solutions to address the issue of civil rights and equal opportunities. In fact, in the early 1960s—prior to the passage of the Civil Rights Act—he and Patricia started the Connecticut Housing Investment Fund to help finance minority home-ownership and integrated housing. This organization became a model for subsequent national programs to support affordable housing.

Throughout his career he fought tirelessly for the rights of workers, and the advancement of housing, employment, and other opportunities for minorities—including by recruiting and managing the campaigns of the first minority candidates for the Hartford City Council and Board of Education.

He was also the first man ever appointed to Connecticut's Permanent Commission on the Status of Women, an honor that always gave him a smile, and spoke volumes of his commitment to equal opportunities for all Americans.

Even outside of public life, George continued to work to help others. After retiring from the general assembly in 1980, he cofounded the Independent Energy Corporation. One of the projects of Independent Energy helped to streamline the electricity usage of the largest business in the Caribbean region. The electricity savings from that one business helped to lower the foreign exchange bill of the entire nation of Jamaica—a truly notable achievement.

By any measure, the life of George Ritter was an utter success. In business, in public life, and as the loving father of five children, George led a life of principle and purpose. His work benefitted his community and helped to expand opportunities for the less fortunate.

Even though he has passed, George's spirit of public service lives on. His sons Thomas and John have both served in the State legislature, and his grandson Matt is a member of the Hartford City Council and is running to fill the general assembly seat George once held.

I am confident they will continue to build on George's legacy, and am proud to call them my constituents. I wish them the best of luck, and hope that they will continue to pass George's values and character on for generations to come.●

FAITH, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 100th anniversary of Faith, SD. Faith is a strong community, and I am proud to represent them.

When the railroad announced its plan to settle a community at the edge of the Cheyenne Sioux Indian Reservation, settlers rushed to the area. Businesses sprung up before the town was officially mapped out. The railroad decided to plot the town south of the tracks so the town would expand into Meade County. Even after the drought in 1911, Faith continued to grow, making changes to its approach to farming and ranching. When the water supply was low in 1946, the town began shipping in water from Mobridge, and started constructing a water filtration plant. Faith is also known for the 1990 discovery of Sue, the most complete and best preserved Tyrannosaurus rex ever found. Sue is now on display at the Field Museum in South Dakota.

One hundred years after its founding, Faith holds its history close while continually looking to the future, demonstrating what is great about South Dakota, and why I am proud to call this great State home.●

FEDORA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I honor the community of Fedora, SD, and to recognize the 125th Territorial Day. Situated in Miner County, Fedora is a testament to the great State of South Dakota.

From its beginnings, agriculture and small businesses have played an instrumental role in the livelihood of Fedora. Fedora was originally named after the daughter of a founding railroad executive. Upon the completion of the railroad, the town of Fedora slowly flourished. A creamery, grocery store and the Farmers Purchasing and Shipping Company gradually urbanized the town's landscape. Over time, small businesses have come and gone, however, the town's bond to agriculture is unwavering.

The 125th anniversary celebration will be held July 24, 2010, kicking off with Ghost Parade. More activities include a road race, Jaws of Life demonstration, antique/history display, supper pie auction and a dance. People of all ages will be able to take part in the day's activities.

I am proud to publicly congratulate the community on this achievement. As the people of Fedora take this opportunity to appreciate and reflect on how far the town has come from its beginnings, I know they understand the important role Fedora plays in making South Dakota a great State to live.●

SOUTH DAKOTA STATE FAIR QUASQUICENTENNIAL

● Mr. JOHNSON. Mr. President, it is with great honor that today I recognize the 125th anniversary of the South Dakota State Fair. This quasquicentennial is meaningful to the citizens of South Dakota, as many visit this event each year for entertainment, competition and great company. Whether it is the 4–H competitions, carnival rides, live music, informational booths or the many commercial vendors there is something for everyone at the State fair.

From its humble beginnings, the State fair started with only 85 acres of land that was deeded to the State of South Dakota by the Chicago and Northwestern Railway Company for $50,000. With time, the fair grew as the South Dakota population grew. More land has been purchased, buildings have been constructed, and several improvements have been made. Today, the grounds host a wide range of buildings from the 4–H livestock complex to grandstands. Although changes have been made to fair ground's landscape since its founding, the South Dakota State Fair has stayed true to its mission, which is to have the fairgrounds be seen as a successful year-round, family-friendly venue that showcases youth, achievement, agriculture and community.

September 2–6, 2010, South Dakotans from across the State will gather at the State fairgrounds in Huron to celebrate 125 years of our State's history. With live entertainment, livestock events, the South Dakota Outdoor Expo, and more, all ages will celebrate in the day's activities. I hope this celebration gives our citizens a chance to reflect on our shared State history, as well as our promising future.

As frequent visitor to the South Dakota State Fair, I congratulate the South Dakota State Fair on reaching this monumental anniversary, and I look forward to the future as the fair continues to prosper.●

VIENNA, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I recognize the town of Vienna, SD, on reaching its 125th anniversary. Throughout its history, this small, rural community in Clark County has faced many hardships yet it still remains a strong town, and I congratulate the people of Vienna for all that they have accomplished.

Vienna was founded in 1887 along the Milwaukee railroad. Named by the Austrian founders after Vienna, Austria, this small town quickly grew as a result of daily freight and passenger trains. Unfortunately, a fire in 1913 destroyed six buildings on Main Street, slowing down the progress of the town. However, Vienna persevered and rebuilt two brick buildings which housed a meat market and a drug store. In 1937, a new elevator was built by the Vienna Grain Company, which greatly enhanced the community.

Residents of Vienna will kick off their July 30–August 1 celebration with a lawnmower only poker run followed by the Fireman Olympics, threshing bee, all-school reunion, dance, and conclude with a Sunday morning service at Bethlehem Lutheran Church. I am proud to honor Vienna, a town that contributes so much to the identity of rural South Dakota, for its historic milestone.•

ARKANSAS'S FARM FAMILIES

• Mrs. LINCOLN. Mr. President, today I recognize eight Arkansas families who were recently selected as district winners of the Arkansas Farm Bureau's 64th Annual Farm Family of the Year program. This year's winners are:

Michael and Sarah Oxner of Searcy (White County) in the East Central District. The Oxners own Red River Farms, where they grow 2,700 acres of rice, 2,100 acres of soybeans, 300 acres of corn, 280 acres of cotton and 700 acres of moist soil, millet, and native grasses for wildlife. They have three children, Mary, Laura, and Paten.

Mark and Nancy Satterfield of Norfork (Baxter County) in the North Central District. The Satterfields are registered seed stock producers of Charolais and Angus cattle with a production herd of 110 cows. They have had champion bulls and females in both Arkansas and Missouri. They have two children, Taylor and Justin.

Lammers Farms Partnership located in Manila (Mississippi County) in the Northeast District. Lammers Farms Partnership is a family operation with three generations of farmers. Louis and Carol Lammers, their children Jeff Lammers and Laura Weiss, and their respective families, are partners of Lammers Farm. Louis and Carol Lammers also have seven grandchildren. On 6,662 acres, Lammers Farms grows 530 acres of irrigated upland cotton, 1,072 acres of nonirrigated upland cotton, 2,060 acres of long grain rice, 80 acres of grain sorghum, 1,207 acres of irrigated soybeans, 742 acres of nonirrigated soybeans and 971 acres dedicated to the Conservation Reserve Program. Lammers Farms Partnership also owns a grain storage facility in Blytheville that is currently leased to Riceland.

Randy and Anjie Cockrum of Rudy (Crawford County) in the Northwest District. Randy and Anjie Cockrum have 578 acres, 400 of which produce hay. They also have 160 cow/calf pairs and a meat processing operation. When calf prices are low the Cockrums market their calves as beef through their processing operation. They have three children, Siera, Tyler and Shelby.

Curt and Ellen Rankin of Lake Village (Chicot County) in the Southeast District. The Rankin's farm consists of 500 acres of corn, 1,950 acres of irrigated soybeans and 150 acres of nonirrigated soybeans. They have two children, Seth and Jacob.

Darrell and Jennifer Ford of Hope (Hempstead County) in the Southwest District. The Fords graze about 700 yearling calves per year. The cattle-grazing operation also provides pasture for outside farmers. The Fords own 100 cows and about 25 percent of the calves they graze. The Fords also co-own the Hope Livestock Auction, which sells roughly 45,000 head of cattle each year. They have four children, Kade, Kylan, Grace and Aubrie.

Jeremy and Leslie Allmon of Murfreesboro (Pike County) in the West Central District. The Allmons have 103 cows, 92 calves, 35 heifers, 2 bulls, 2 poultry laying houses containing approximately 28,400 hens and 100 acres of hay on their 420 acre operation. They have one child, Holden, who is 2.

Larry and Marilyn Huddleston of Waldron (Scott County) in the Western District. The Huddlestons run 100 cows, 700 stocker calves and produce hay on 1,340 acres. They have two children, Hannah and Cole.

As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing $9.1 billion in wages and salaries. In total, agriculture contributes roughly $15.9 billion to the Arkansas economy each year and is responsible for one out of every four Arkansas jobs.

We must work to continue the farm family tradition, so these families are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability.

I salute all Arkansas farm families for their hard work and dedication.•

2010 TONTITOWN GRAPE FESTIVAL

• Mrs. LINCOLN. Mr. President, today I join residents of Tontitown and all Arkansans to commemorate the 2010 Tontitown Grape Festival. For 112 years, the festival has celebrated the history and heritage of this unique community nestled in the Ozark Mountains.

Like many American towns, the history of Tontitown begins with the story of immigrants. Facing high taxes and political unrest, a group of Italian farming families set sail for the United States in 1895, hoping to start a new life. Father Pietro Bandini bought a plot of land in northwest Arkansas and brought some 40 families to what would soon become Tontitown. Today, Tontitown is a culturally rich and business-friendly community, home to approximately 1,000 citizens and 100 businesses.

Every year, the Tontitown Grape Festival, sponsored by St. Joseph's Church, has welcomed visitors of all ages. The festival celebrates Tontitown's Italian heritage with live entertainment, a carnival, an arts and crafts fair, a used book sale, a Run for the Grapes, for both kids and adults, and the annual coronation of the Queen of the Festival.

I commend the residents of the Tontitown area for their commitment to the history and heritage of Arkansas. I wish them all the best as they celebrate during this year's Grape Festival.•

TRIBUTE TO SHARON CAMPBELL

• Ms. SNOWE. Mr. President, today I extend my heartfelt congratulations to Sharon Campbell, regional representative for my office in Presque Isle, ME, as she was recently honored with the prestigious Frank Hussey Award from the Presque Isle Rotary Club, named for a highly regarded former Presque Isle Rotarian.

Sharon could not be more deserving of this prestigious accolade as it recognizes her selfless commitment to Aroostook County and our great State of Maine. As I have witnessed firsthand, whether through her outstanding tenure with me which began more than a decade ago to her exceptional examples of giving back as a Rotary member, Sharon is the epitome of our State's motto, ''Dirigo or I Lead,'' many times over.

Just in the past 2 years alone, Sharon has diligently promoted greater literacy in The County, leading the Rotary's Literacy and Thesaurus Project, which distributes thesauruses to area children, and raising close to $2,000 to start a ''Children's Book of the Month Club,'' where books are purchased every month for school libraries.

Described by her Rotary peers as a ''get it done'' Rotarian, Sharon strives to make a substantive difference in the lives of others and in a way that garners lasting results. And when it comes to galvanizing support for a new task, it is helpful that people find it incredibly difficult to say ''no'' to her. By the same token, she is the last person who would say ''no'' herself to a challenge to help someone else. She is that caring and that determined. Sharon truly exemplifies the can-do spirit and tireless work-ethic that are the hallmarks of the people of Maine she serves, in particular those who proudly call The County home.

Nothing crystallizes Sharon's contributions as a Rotarian and as someone devoted to public service than the Rotary motto of ''Service Above Self.'' Her receipt of The Frank Hussey Award is an enduring testament to her dedication to that precept.•

RECOGNIZING HUGO'S

• Ms. SNOWE. Mr. President, the city of Portland, ME, is quickly becoming one of America's most recognized locations for five-star dining experiences. Recognized as the 2009 ''Foodiest Small Town in America'' by Bon Appétit, it has been reported that visitors and residents alike spend more money in Portland restaurants per capita than in any other U.S. city, with the exception of San Francisco and New York. The demand for delicious, well-prepared food has drawn a plethora of culinary artists to the city, inspired by both the challenge of cooking for an avid audience and incorporating the bounty of Maine's natural resources into their recipes. Using native ingredients such as corn, blueberries, fiddleheads, and off-the-dock seafood, Portland restaurants have transformed even casual dining into something brilliant. As such, today I wish to recognize Hugo's, one of the many restaurants that has been an integral part of this lively city's culinary renaissance.

Hugo's is among the restaurants that stay true to the Portland tradition of local and organic food. As a member of the Maine Organic Farmers and Gardeners Association, Hugo's is active in increasing local food production and simultaneously supporting other Maine small businesses. Working with these organic ingredients, Hugo's puts a modern twist on American cuisine with various international influences. They produce imaginative dishes that make the restaurant not only a favorite to the locals, but also to out-of-town ''foodies'' looking for an elegant meal as well.

Chef Rob Evans, the driving force behind Hugo's turned his restaurant job into a career after he landed positions at the famed Inn at Little Washington in Virginia and French Laundry in California, studying under some of the best chefs in the world. In 2000, Chef Evans took over the former Hugo's Portland Bistro with his wife, Nancy Pugh. Soon Hugo's became distinguished as one of the top restaurants in Maine, as well as throughout New England.

Indeed, Chef Evans's culinary creativity has not gone unnoticed by both his peers and others in the industry. In 2004 Food & Wine Magazine recognized him with the ''Best New Chef Award.'' Hugo's has also been given the Four-Diamond title by the American Automobile Association, or AAA, for the past 5 years. Most notably, Chef Evans was named the recipient last year of the James Beard Award, arguably one of the most coveted honors in the culinary world, as the best chef in the Northeast.

Since receiving the award, traffic at Hugo's has significantly increased, with more locals intrigued by what Chef Evans can do with the resources that make Maine the unique place that it is. But even with an uptick in new patrons, Chef Evans insists that Hugo's will stay the same and not forget its humble origins.

Additionally, Chef Evans and his wife Nancy are also the proud owners of Duckfat, another popular restaurant situated just down the street from Hugo's serving European fries and sandwiches. Duckfat, whose name derives from the manner in which they cook their fries, is yet another example of Evans' and Pugh's efforts to promote all that Maine's restaurant industry has to offer.

Hugo's is an excellent representative of a trend in Maine's dining culture that showcases a wide variety of exciting, creative chefs and restaurants eager to put Maine on the map when it comes to food. The initiatives of Rob Evans and Nancy Pugh have helped foster a revitalization of Portland's restaurant scene, and I commend them for their outstanding work. I thank everyone at both Hugo's and Duckfat, and wish them much success in their future endeavors.•

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.)

MESSAGES FROM THE HOUSE

At 11:37 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 415. An act to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty.

H.R. 2780. An act to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

H.R. 4748. An act to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes.

H.R. 5138. An act to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes.

H.R. 5143. An act to establish the National Criminal Justice Commission.

H.R. 5281. An act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

H.R. 5662. An act to amend title 18, United States Code, with respect to the offense of stalking.

H.R. 5681. An act to improve certain administrative operations of the Library of Congress, and for other purposes.

H.R. 5682. An act to improve the operations of certain facilities and programs of the House of Representatives, and for other purposes.

H.R. 5730. An act to rescind earmarks for certain surface transportation projects.

H.R. 5810. An act to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes.

H.R. 5825. An act to review, update, and revise the factors to measure the severity, magnitude, and impact of a disaster and to evaluate the need for assistance to individuals and households.

The message also announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 258. Concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 5849. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The message also announced that pursuant to section 201(B) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Speaker announces the following correction to the appointment of June 23, 2010, of the following member on the part of the House of Representatives to the Commission on International Religious Freedom, upon the recommendation of the Minority Leader: Mr. Ted Van Der Meid of Rochester, New York, for a two-year term ending May 14, 2012, to succeed Ms. Felice Gaer.

At 3:59 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House recedes from its amendment to the amendment of the Senate to the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

At 6:47 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks,

announced that the House has passed the following bill, without amendment:

S. 1789. An act to restore fairness to Federal cocaine sentencing.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 415. An act to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty; to the Committee on Rules and Administration.

H.R. 2780. An act to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code; to the Committee on the Judiciary.

H.R. 4748. An act to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes; to the Committee on the Judiciary.

H.R. 5281. An act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; to the Committee on the Judiciary.

H.R. 5662. An act to amend title 18, United States Code, with respect to the offense of stalking; to the Committee on the Judiciary.

H.R. 5681. An act to improve certain administrative operations of the Library of Congress, and for other purposes; to the Committee on Rules and Administration.

H.R. 5682. An act to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes; to the Committee on Rules and Administration.

H.R. 5810. An act to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

H.R. 5825. An act to review, update, and revise the factors to measure the severity, magnitude, and impact of a disaster and to evaluate the need for assistance to individuals and households; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 258. Concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3657. A bill to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3663. A bill to promote clean energy jobs and oil company accountability, 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–6845. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Regarding Amendment of the Temporary Liquidity Guarantee Program to Extend the Transaction Account Guarantee Program'' (RIN3064–AD37) received during adjournment of the Senate in the Office of the President of the Senate on July 23, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6846. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Arrow Falcon Exporters, Inc.; AST, Inc.; Rotorcraft Development Corporation; Global Helicopter Technology, Inc.; Hagglund Helicopters, LLC; International Helicopters, Inc.; Northwest Rotorcraft, LLC; Robinson Air Crane, Inc.; San Joaquin Helicopters; S.M. and T. Aircraft; Smith Helicopters; Southern Helicopter, Inc.; Southwest Florida Aviation International, Inc.; Tamarack Helicopters, Inc.; US Helicopter, Inc.; West Coast Fabrications; and Overseas Aircraft Support Inc. Model AH–1G, AH–1S, HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P Helicopters; and Southwest Florida Aviation Model UH–1B (SW204 and SW204HP) and UH–1H (SW205) Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2010–0565)) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6847. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aircraft Industries a.s. (Type Certificate G60EU Previously Held by LETECKE ZAVODY a.s. and LET Aeronautical Works) Model L–13 Blanik Gliders'' ((RIN2120–AA64)(Docket No. FAA–2010–0684)) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6848. A communication from the Executive Analyst, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator of the Centers for Medicare and Medicaid Services in the Department of Health and Human Services; to the Committee on Finance.

EC–6849. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Internal Claims and Appeals and External Review Processes Under the Patient Protection and Affordable Care Act'' ((RIN1545–BJ63)(TD 9494)) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Finance.

EC–6850. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a report entitled ''The Year in Trade 2009''; to the Committee on Finance.

EC–6851. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a Report to Congress on Costs of Treatment in the President's Emergency Plan for AIDS Relief (PEPFAR); to the Committee on Foreign Relations.

EC–6852. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of State (Educational and Cultural Affairs); to the Committee on Foreign Relations.

EC–6853. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of April 14, 2010 through June 16, 2010; to the Committee on Foreign Relations.

EC–6854. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Notice of Final Priorities, Requirements, Definition, and Selection Criteria—Smaller Learning Communities'' (CFDA No. 84.215L) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6855. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Internal Claims and Appeals and External Review Process Under the Patient Protection and Affordable Care Act'' (RIN1210–AB45) received during adjournment of the Senate in the Office of the President of the Senate on July 23, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6856. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Children and Families in the Department of Health and Human Services, received in the Office of the President of the Senate on July 22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6857. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Legislation in the Department of Health and Human Services, received in the Office of the President of the Senate on July 22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6858. A communication from the Director of Human Resources, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the category rating system; to the Committee on Health, Education, Labor, and Pensions.

EC–6859. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a proposed rule entitled ''Employee Contribution Elections and Contribution Allocations'' (5 CFR Part 1600) received in the Office of the President of the Senate on July 26, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6860. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a proposed rule entitled ''Uniformed Services Accounts and Death Benefits'' (5 CFR Parts 1604 and 1651) received in the Office of the President of the Senate on July 26, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 3267. A bill to improve the provision of assistance to fire departments, and for other purposes (Rept. No. 111—235).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 3516. A bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes (Rept. No. 111—236).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 5278. A bill to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''.

H.R. 5395. A bill to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building''.

S. 3567. A bill to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffrey L. Wiener Post Office Building''.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

Steve A. Linick, of Virginia, to be Inspector General of the Federal Housing Finance Agency.

Osvaldo Luis Gratacós Munet, of Puerto Rico, to be Inspector General, Export-Import Bank.

*Peter A. Diamond, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

*Sarah Bloom Raskin, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2002.

*Janet L. Yellen, of California, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2010.

*Janet L. Yellen, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself, Mr. BARRASSO, Mr. ENSIGN, Mr. ENZI, Mr. HATCH, Ms. MURKOWSKI, Mr. RISCH, and Mr. ROBERTS):

S. 3660. A bill to amend the Act of June 8, 1906, to require certain procedures for designating national monuments, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Ms. MIKULSKI, Mr. KERRY, and Mr. CARDIN):

S. 3661. A bill to amend the Federal Water Pollution Control Act to ensure the safe and proper use of dispersants in the event of an oil spill or release of hazardous substances, and for other purposes; to the Committee on Environment and Public Works.

By Ms. STABENOW:

S. 3662. A bill to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 3663. A bill to promote clean energy jobs and oil company accountability, and for other purposes; read the first time.

By Mrs. FEINSTEIN (for herself, Mr. CRAPO, Mr. UDALL of Colorado, Mr. BENNET, and Mrs. BOXER):

S. 3664. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. CASEY, Mr. REED, Mrs. MURRAY, Mr. KERRY, Mr. WYDEN, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. WARNER, Mr. MERKLEY, Mr. MENENDEZ, Ms. LANDRIEU, Mr. SCHUMER, Mr. NELSON of Florida, Mr. KAUFMAN, Ms. COLLINS, Mr. GREGG, Mr. WEBB, and Mrs. BOXER):

S. Res. 596. A resolution to designate September 25, 2010, as ''National Estuaries Day''; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BURR, Mr. BURRIS, Mr. CARDIN, Mr. CASEY, Mr. CHAMBLISS, Mr. COCHRAN, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. JOHANNS, Mr. KERRY, Ms. LANDRIEU, Mr. LUGAR, Mr. SCHUMER, Mr. SHELBY, Mr. SPECTER, Mr. TESTER, and Mr. VITTER):

S. Res. 597. A resolution designating September 2010 as ''National Prostate Cancer Awareness Month''; to the Committee on the Judiciary.

By Mr. BURR (for himself and Mrs. FEINSTEIN):

S. Res. 598. A resolution designating September 2010 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by these charities and organizations on behalf of children and youth as critical contributions to the future of the Nation; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. REED, Mr. REID, Mrs. HAGAN, Mr. BURR, Mrs. LINCOLN, Mr. VOINOVICH, Mr. INHOFE, Mr. CRAPO, Ms. SNOWE, Mr. BAUCUS, Mr. ISAKSON, Mr. BEGICH, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Mr. THUNE, Mr. AKAKA, Mr. BURRIS, Mr. SESSIONS, Mr. ROBERTS, Mr. WHITEHOUSE, Mr. BOND, Mr. BENNETT, Ms. LANDRIEU, Mr. CHAMBLISS, Mr. INOUYE, and Mr. CORKER):

S. Res. 599. A resolution designating August 16, 2010, as ''National Airborne Day''; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 600. A resolution to authorize document production and testimony by, and representation of, the Select Committee on Intelligence; considered and agreed to.

By Mr. ENZI:

S. Con. Res. 69. A concurrent resolution recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 322

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 322, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 379

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 379, a bill to provide fair compensation to artists for use of their sound recordings.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1553, supra.

S. 2828

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2828, a bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct a research program on endocrine disruption, to prevent and reduce the production of, and exposure to, chemicals that can undermine the development of children before they are born and cause lifelong impairment to their health and function, and for other purposes.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3231

At the request of Mr. GRASSLEY, the name of the Senator from Missouri

(Mr. BOND) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. 3232

At the request of Mr. BURR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3232, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3501

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. ROBERTS), the Senator from Mississippi (Mr. WICKER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Kansas (Mr. ROBERTS), the Senator from Mississippi (Mr. WICKER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3528

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3528, a bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes.

S. 3578

At the request of Mr. JOHANNS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. 3583

At the request of Mrs. MURRAY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3583, a bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

S. 3640

At the request of Mr. UDALL of Colorado, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3640, a bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.

S. 3647

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3647, a bill to amend the Public Health Service Act to provide for the participation of particular specialists determined by the Secretary of Health and Human Services to be directly related to the health needs stemming from environmental health hazards that have led to its declaration as a Public Health Emergency to be eligible under the National Health Service Corps in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 3653

At the request of Mr. CORNYN, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3653, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 579

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 579, a resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

AMENDMENT NO. 4527

At the request of Mr. JOHANNS, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Kansas (Mr. ROBERTS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Idaho (Mr. RISCH), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 4527 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4531

At the request of Mr. JOHANNS, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 4531 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 3663. A bill to promote clean energy jobs and oil company accountability, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3663

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 ''Clean Energy Jobs and Oil Company Accountability Act of 2010''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 6 divisions as follows:

(1) Division A—Oil Spill Response and Accountability.

(2) Division B—Reducing Oil Consumption and Improving Energy Security.

(3) Division C—Clean Energy Jobs and Consumer Savings.

(4) Division D—Protecting the Environment.

(5) Division E—Fiscal Responsibility.

(5) Division F—Miscellaneous.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
DIVISION A—OIL SPILL RESPONSE AND ACCOUNTABILITY
TITLE I—REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES
Sec. 101. Short title.

Sec. 102. Removal of limits on liability for offshore facilities.
Sec. 103. Claims procedure.
Sec. 104. Oil and hazardous substance response planning.
Sec. 105. Reports.
Sec. 106. Trust Fund advance authority.
TITLE II—FEDERAL RESEARCH AND TECHNOLOGIES FOR OIL SPILL PREVENTION AND RESPONSE
Sec. 201. Short title.
Sec. 202. Purposes.
Sec. 203. Interagency Committee.
Sec. 204. Science and technology advice and guidance.
Sec. 205. Oil pollution research and development program.
TITLE III—OUTER CONTINENTAL SHELF REFORM
Sec. 301. Short title.
Sec. 302. Purposes.
Sec. 303. Definitions.
Sec. 304. National policy for the outer Continental Shelf.
Sec. 305. Structural reform of outer Continental Shelf program management.
Sec. 306. Safety, environmental, and financial reform of the Outer Continental Shelf Lands Act.
Sec. 307. Study on the effect of the moratoria on new deepwater drilling in the Gulf of Mexico on employment and small businesses.
Sec. 308. Reform of other law.
Sec. 309. Safer oil and gas production.
Sec. 310. National Commission on Outer Continental Shelf Oil Spill Prevention.
Sec. 311. Savings provisions.
TITLE IV—ENVIRONMENTAL CRIMES ENFORCEMENT
Sec. 401. Short title.
Sec. 402. Environmental crimes.
TITLE V—FAIRNESS IN ADMIRALTY AND MARITIME LAW
Sec. 501. Short title.
Sec. 502. Repeal of limitation of Shipowners' Liability Act of 1851.
Sec. 503. Assessment of punitive damages in maritime law.
Sec. 504. Amendments to the Death on the High Seas Act.
Sec. 505. Effective date.
TITLE VI—SECURING HEALTH FOR OCEAN RESOURCES AND ENVIRONMENT (SHORE)
Sec. 601. Short title.
Subtitle A—National Oceanic and Atmospheric Administration Oil Spill Response, Containment, and Prevention
Sec. 611. Improvements to National Oceanic and Atmospheric Administration oil spill response, containment, and prevention.
Sec. 612. Use of Oil Spill Liability Trust Fund for preparedness, response, damage assessment, and restoration.
Sec. 613. Investment of amounts in Damage Assessment and Restoration Revolving Fund in interest-bearing obligations.
Sec. 614. Strengthening coastal State oil spill planning and response.
Sec. 615. Gulf of Mexico long-term marine environmental monitoring and research program.
Sec. 616. Arctic research and action to conduct oil spill prevention.
Subtitle B—Improving Coast Guard Response and Inspection Capacity
Sec. 621. Secretary defined.
Sec. 622. Arctic maritime readiness and oil spill prevention.
Sec. 623. Advance planning and prompt decision making in closing and reopening fishing grounds.
Sec. 624. Oil spill technology evaluation.
Sec. 625. Coast Guard inspections.
Sec. 626. Certificate of inspection requirements.
Sec. 627. Navigational measures for protection of natural resources.
Sec. 628. Notice to States of bulk oil transfers.
Sec. 629. Gulf of Mexico Regional Citizens' Advisory Council.
Sec. 630. Vessel liability.
Sec. 631. Prompt intergovernmental notice of marine casualties.
Sec. 632. Prompt publication of oil spill information.
Sec. 633. Leave retention authority.
TITLE VII—CATASTROPHIC INCIDENT PLANNING
Sec. 701. Catastrophic incident planning.
Sec. 702. Alignment of response frameworks.
TITLE VIII—SUBPOENA POWER FOR NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING
Sec. 801. Subpoena power for National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.
TITLE IX—CORAL REEF CONSERVATION ACT AMENDMENTS
Sec. 901. Short title.
Sec. 902. Amendment of Coral Reef Conservation Act of 2000.
Sec. 903. Agreements; redesignations.
Sec. 904. Emergency assistance.
Sec. 905. Emergency response, stabilization, and restoration.
Sec. 906. Prohibited activities.
Sec. 907. Destruction of coral reefs.
Sec. 908. Enforcement.
Sec. 909. Regulations.
Sec. 910. Judicial review.
DIVISION B—REDUCING OIL CONSUMPTION AND IMPROVING ENERGY SECURITY
TITLE XX—NATURAL GAS VEHICLE AND INFRASTRUCTURE DEVELOPMENT
Sec. 2001. Definitions.
Sec. 2002. Program establishment.
Sec. 2003. Rebates.
Sec. 2004. Infrastructure and development grants.
Sec. 2005. Loan program to enhance domestic manufacturing.
TITLE XXI—PROMOTING ELECTRIC VEHICLES
Sec. 2101. Short title.
Sec. 2102. Definitions.
Subtitle A—National Plug-in Electric Drive Vehicle Deployment Program.
Sec. 2111. National Plug-In Electric Drive Vehicle Deployment Program.
Sec. 2112. National assessment and plan.
Sec. 2113. Technical assistance.
Sec. 2114. Workforce training.
Sec. 2115. Federal fleets.
Sec. 2116. Targeted Plug-in Electric Drive Vehicle Deployment Communities Program.
Sec. 2117. Funding.
Subtitle B—Research and Development
Sec. 2121. Research and development program.
Sec. 2122. Advanced batteries for tomorrow prize.
Sec. 2123. Study on the supply of raw materials.
Sec. 2124. Study on the collection and preservation of data collected from plug-in electric drive vehicles.
Subtitle C—Miscellaneous
Sec. 2131. Utility planning for plug-in electric drive vehicles.
Sec. 2132. Loan guarantees.
Sec. 2133. Prohibition on disposing of advanced batteries in landfills.
Sec. 2134. Plug-in Electric Drive Vehicle Technical Advisory Committee.
Sec. 2135. Plug-in Electric Drive Vehicle Interagency Task Force.
DIVISION C—CLEAN ENERGY JOBS AND CONSUMER SAVINGS
TITLE XXX—HOME STAR RETROFIT REBATE PROGRAM
Sec. 3001. Short title.
Sec. 3002. Definitions.
Sec. 3003. Home Star Retrofit Rebate Program.
Sec. 3004. Contractors.
Sec. 3005. Rebate aggregators.
Sec. 3006. Quality assurance providers.
Sec. 3007. Silver Star Home Retrofit Program.
Sec. 3008. Gold Star Home Retrofit Program.
Sec. 3009. Grants to States and Indian tribes.
Sec. 3010. Quality assurance framework.
Sec. 3011. Report.
Sec. 3012. Administration.
Sec. 3013. Treatment of rebates.
Sec. 3014. Penalties.
Sec. 3015. Home Star Efficiency Loan Program.
Sec. 3016. Funding.
DIVISION D—PROTECTING THE ENVIRONMENT
TITLE XL—LAND AND WATER CONSERVATION AUTHORIZATION AND FUNDING
Sec. 4001. Short title.
Sec. 4002. Permanent authorization; full funding.
TITLE XLI—NATIONAL WILDLIFE REFUGE SYSTEM RESOURCE PROTECTION
Sec. 4101. Short title.
Sec. 4102. Definitions.
Sec. 4103. Liability.
Sec. 4104. Actions.
Sec. 4105. Use of recovered amounts.
Sec. 4106. Donations.
TITLE XLII—GULF COAST ECOSYSTEM RESTORATION
Sec. 4201. Gulf Coast Ecosystem restoration.
TITLE XLIII—HYDRAULIC FRACTURING CHEMICALS
Sec. 4301. Disclosure of hydraulic fracturing chemicals.
TITLE XLIV—WATERSHED RESTORATION
Sec. 4401. Watershed restoration.
DIVISION E—FISCAL RESPONSIBILITY
Sec. 5001. Modifications with respect to Oil Spill Liability Trust Fund.
DIVISION F—MISCELLANEOUS
Sec. 6001. Budgetary effects.

DIVISION A—OIL SPILL RESPONSE AND ACCOUNTABILITY

TITLE I—REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES

SEC. 101. SHORT TITLE.

This title may be cited as the ''Big Oil Bailout Prevention Unlimited Liability Act of 2010''.

SEC. 102. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking ''plus $75,000,000'' and inserting ''and the liability of the responsible party under section 1002''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to all claims or actions brought within the limitations period applicable to the claims or action, including any claims or actions pending on the date of enactment of this Act and any

claims arising from events occurring prior to the date of enactment of this Act.

SEC. 103. CLAIMS PROCEDURE.

(a) WAITING PERIOD.—Section 1013(c)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2713(c)(2)) is amended by striking ''settled by any person by payment within 90 days'' and inserting ''settled in whole by any person by payment within 30 days''.

(b) PROCESSING OF CLAIMS.—Section 1012(a)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)) is amended by inserting before the semicolon at the end the following: ''and, in the event of a spill of national significance, administrative and personnel costs to process claims (including the costs of commercial claims processing, expert services, training, and technical services)''.

SEC. 104. OIL AND HAZARDOUS SUBSTANCE RESPONSE PLANNING.

(a) AREA COMMITTEES.—Section 311(j)(4)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(A)) is amended—

(1) by striking ''from qualified'' and inserting ''from—

''(i) qualified'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(ii) individuals representing industry, conservation, and the general public.''.

(b) NATIONAL RESPONSE SYSTEM.—Section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)) is amended—

(1) in subparagraph (A), by adding at the end the following:

''(iii) The President shall ensure that the regulations promulgated pursuant to this paragraph are designed to prevent, to the maximum extent practicable, injury to the economy, jobs, and the environment, including to prevent—

''(I) loss of, destruction of, or injury to, real or personal property;

''(II) loss of subsistence use of natural resources;

''(III) loss of revenue;

''(IV) loss of profits or earning capacity;

''(V) an increase in the cost of providing public services to remove a discharge; and

''(VI) loss of, destruction of, or injury to, natural resources.

''(iv) The President shall promulgate regulations that clarify the requirements of a response plan in accordance with subparagraph (D).'';

(2) by striking subparagraph (D) and inserting the following:

''(D) A response plan required under this paragraph shall—

''(i) be consistent with the requirements of the National Contingency Plan and Area Contingency Plans;

''(ii) identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to clause (iii);

''(iii) identify, and ensure by contract or other means approved by the President the availability of, private personnel and equipment in the quantities necessary, staged and available in the appropriate region to respond immediately to and sustain the response effort for as long as necessary—

''(I) to remove, to the maximum extent practicable, a worst-case discharge (including a discharge resulting from fire or an explosion);

''(II) to mitigate damage from a discharge; and

''(III) to prevent or reduce a substantial threat of such a discharge;

''(iv) demonstrate, to the maximum extent practicable, the financial capability to pay for removal costs and damages;

''(v) describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or facility and to meet the requirements of this subparagraph;

''(vi) describe the environmental effects of the response plan methodologies and equipment;

''(vii) describe the process for communication and coordination with Federal, State, and local agencies before, during, and after a response to a discharge;

''(viii) identify the effective daily recovery capacity for the quantity of oil or hazardous substance that will be removed under the response plan immediately following the discharge and at regular, identified periods;

''(ix) in the case of oil production, drilling, and workover facilities, describe the specific measures to be used in response to a blowout or other event involving loss of well control;

''(x) identify provisions for the owner or operator of a tank vessel, nontank vessel, or facility to report the actual quantity of oil or a hazardous substance removed at regular, identified periods following the discharge;

''(xi) identify potential economic and ecological impacts of a worst-case discharge and response activities to prevent or mitigate, to the maximum extent practicable, those impacts in the event of a discharge;

''(xii) be updated periodically; and

''(xiii) be resubmitted for approval of each significant change.'';

(3) in subparagraph (E), by striking clauses (i) through (v) and inserting the following:

''(i) require notice of a new proposed response plan or significant modification to an existing response plan for an offshore facility to be published in the Federal Register and provide for a public comment period for the plan of at least 30 days, taking into appropriate consideration security concerns and any proprietary issues otherwise provided by law;

''(ii) promptly review the response plan;

''(iii) require amendments to any plan that does not meet the requirements of this paragraph;

''(iv) approve any plan only after finding, based on evidence in the record, that—

''(I) the response plan meets the requirements of subparagraph (D);

''(II) the methods and equipment proposed to be used under the response plan are demonstrated to be technologically feasible in the area and under the conditions in which the tank vessel, nontank vessel, or facility is proposed to operate;

''(III) the available scientific information about the area allows for identification of potential impacts to ecological areas and protection of those areas in the event of a discharge, including adequate surveys of wildlife; and

''(IV) the response plan describes the quantity of oil likely to be removed in the event of a worst-case discharge;

''(v) obtain the written concurrence of such other agencies as the President determines have a significant responsibility to remove, mitigate damage from, or prevent or reduce a substantial threat of the worst-case discharge of oil or a hazardous substance;

''(vi) review each plan periodically thereafter and require each plan to be updated not less often than once every 5 years, with each update considered a significant change requiring approval by the President;

''(vii) require an update of a plan pursuant to clause (vi) to include the best available technology and methods to contain and remove, to the maximum extent practicable, a worst-case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge; and

''(viii) in the case of a plan for a nontank vessel, consider any applicable State-mandated response plan in effect on August 9, 2004, and ensure consistency to the maximum extent practicable.''; and

(4) by adding at the end the following:

''(J) TECHNOLOGY STANDARDS.—The President may establish requirements and guidance for using the best available technology and methods in response plans, which shall be based on performance metrics and standards whenever practicable.

''(K) APPROVAL OF EXISTING PLANS.—

''(i) IN GENERAL.—The President shall—

''(I) implement an expedited review process of all response plans that were valid and approved on the day before the date of enactment of this subparagraph to identify those response plans that do not meet the requirements of this section; and

''(II) require those response plans to be amended to conform to the requirements of this section as soon as practicable after the date of enactment of this subparagraph.

''(ii) EXISTING PLANS.—Notwithstanding any other provision of this section, a response plan that was valid and approved on the day before the date of enactment of this subparagraph—

''(I) shall remain valid and approved until required to be updated pursuant to clause (i); and

''(II) shall not be found not to be valid and approved as a result of the enactment of this subparagraph.

''(iii) PUBLIC NOTICE.—The President shall provide public notice of the process for updating response plans required by clause (i).''.

(c) DEFINITIONS.—Section 311(a)(24)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(24)(B)) is amended by inserting '', including from an unanticipated and uncontrolled blowout or other loss of well control,'' after ''foreseeable discharge''.

SEC. 105. REPORTS.

Not later than 180 days after the date of enactment of this Act and every 90 days thereafter until all claims resulting from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred April 20, 2010, and resulting hydrocarbon releases into the environment, have been paid, the administrator of the fund described in paragraph (1) shall submit to Congress a report that describes—

(1) the status of the compensation fund established by British Petroleum Company to pay claims resulting from the blowout and explosion; and

(2) each claim that has been paid from that fund.

SEC. 106. TRUST FUND ADVANCE AUTHORITY.

Section 6002(b)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)(2)) is amended by striking ''the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon,'' and inserting ''a spill of national significance,''.

TITLE II—FEDERAL RESEARCH AND TECHNOLOGIES FOR OIL SPILL PREVENTION AND RESPONSE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Research and Technologies for Oil Spill Prevention and Response Act of 2010''.

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to maintain and enhance the world-class research and facilities of the Federal Government; and

(2) to ensure that there are adequate knowledge, practices, and technologies to detect, respond to, contain, and clean up oil

spills, whether onshore or on the outer Continental Shelf.

SEC. 203. INTERAGENCY COMMITTEE.

Section 7001(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(b)) is amended by striking paragraph (4) and inserting the following:

''(4) CHAIRMAN.—

''(A) IN GENERAL.—A representative of the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, Coast Guard, or the Department of the Interior shall serve as Chairman of the Interagency Committee (referred to in this section as the 'Chairman').

''(B) ROTATION.—The responsibility to chair the Interagency Committee shall rotate between representatives of each of the agencies described in subparagraph (A) every 2 years.''.

SEC. 204. SCIENCE AND TECHNOLOGY ADVICE AND GUIDANCE.

Section 7001(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(b)) is amended by striking paragraph (2) and inserting the following:

''(2) SCIENCE AND TECHNOLOGY ADVISORY BOARD.—

''(A) IN GENERAL.—The Chairman shall enter into appropriate arrangements with the National Academy of Sciences to establish an independent committee, to be known as the 'Science and Technology Advisory Board', to provide scientific and technical advice to the Interagency Committee relating to research carried out pursuant to the program established under subsection (c), including—

''(i) the identification of knowledge gaps that the program should address;

''(ii) the establishment of scientific and technical priorities;

''(iii) the provision of advice and guidance in the preparation of—

''(I) the report required under paragraph (3);

''(II) the update required under paragraph (4); and

''(III) the plan required under subsection (c)(14); and

''(iv) an annual review of the results and effectiveness of the program, including successful technology development.

''(B) REPORTS.—Reports and recommendations of the Board shall promptly be made available to Congress and the public.

''(C) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The National Institute of Standards and Technology shall provide the Interagency Committee with advice and guidance on issues relating to quality assurance and standards measurements relating to activities of the Interagency Committee under this section.

''(3) REPORTS ON CURRENT STATE OF OIL SPILL PREVENTION AND RESPONSE CAPABILITIES.—

''(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this paragraph, the Interagency Committee shall submit to Congress a report on the current state of oil spill prevention and response capabilities that—

''(i) identifies current research programs conducted by governments, institutions of higher education, and corporate entities;

''(ii) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies;

''(iii) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with State and local governments and Indian tribes;

''(iv) assesses the current state of spill response equipment, and determines areas in need of improvement, including the quantity, age, quality, and effectiveness of the equipment and necessary technological improvements;

''(v) assesses the current state of real-time data available to mariners, including water level, currents, weather information, and predictions, and assesses whether lack of timely information increases the risk of discharges of oil;

''(vi) assesses the capacity of the National Oceanic and Atmospheric Administration to respond, restore, and rehabilitate marine sanctuaries, monuments, sea turtles, and other protected species;

''(vii) establishes goals for improved oil discharge prevention and response on which to target research for the following 5-year period before the next report is submitted under subparagraph (B); and

''(viii) includes such recommendations as the Committee considers appropriate.

''(B) QUINQUENNIAL UPDATES.—The Interagency Committee shall submit a report every fifth year after the first report of the Interagency Committee submitted under subparagraph (A) that updates the information contained in the previous report of the Interagency Committee under this paragraph.

''(4) IMPLEMENTATION PLAN UPDATE.—Not later than 1 year after the date of enactment of this paragraph, the Interagency Committee shall update the implementation plan required under paragraph (1) to reflect the findings of the report required under paragraph (3) and the requirements of this title.

''(5) ADDITIONAL ADVICE AND GUIDANCE.—In carrying out the duties of the Interagency Committee under this title, the Interagency Committee shall accept comments and input from State and local governments, Indian tribes, industry representatives, and other stakeholders.''.

SEC. 205. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 7001(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking ''and bioremediation'' and inserting ''bioremediation, containment vessels, booms, and skimmers, particularly under worst-case release scenarios'';

(B) by striking subparagraph (H) and inserting the following:

''(H) research and development of methods to respond to, restore, and rehabilitate natural resources and ecosystem health and services damaged by oil discharges;'';

(C) in subparagraph (I), by striking ''and'' at the end;

(D) by redesignating subparagraph (J) as subparagraph (L); and

(E) by inserting after subparagraph (I) the following:

''(J) research, development, and demonstration of new or improved technologies and systems to contain, respond to, and clean up a discharge of oil in extreme or harsh conditions on the outer Continental Shelf;

''(K) research to evaluate the relative effectiveness and environmental impacts (including human and environmental toxicity) of dispersants; and'';

(2) by striking paragraphs (8) and (9);

(3) by redesignating paragraphs (3) through (7) and (10) and (11) as paragraphs (4) through (8) and (11) and (12), respectively;

(4) by inserting after paragraph (2) the following:

''(3) AUTHORIZATION OF AGENCY OIL DISCHARGE RESEARCH AND DEVELOPMENT PROGRAMS.—

''(A) IN GENERAL.—The Secretary of the Interior, in coordination with the program established under this subsection, the Interagency Committee, and such other agencies as the President may designate, shall carry out a program of research, development, technology demonstration, and risk assessment to address issues associated with the detection of, response to, and mitigation and cleanup of discharges of oil occurring on Federal land managed by the Department of the Interior, whether onshore or on the outer Continental Shelf.

''(B) SPECIFIC AREAS OF FOCUS.—The program established under this paragraph shall provide for research, development, demonstration, validation, personnel training, and other activities relating to new and improved technologies that are effective at preventing or mitigating oil discharges and that protect the environment, including technologies, materials, methods, and practices—

''(i) to detect the release of hydrocarbons from leaking exploration or production equipment;

''(ii) to characterize the rates of flow from leaking exploration and production equipment in locations that are remote or difficult to access;

''(iii) to protect the safety of workers addressing hydrocarbon releases from exploration and production equipment;

''(iv) to control or contain the release of hydrocarbons from a blowout or other loss of well control; and

''(v) in coordination with the Administrator and the Secretary of Commerce, for environmental assessment, restoration, and long-term monitoring.'';

(5) in paragraph (5) (as redesignated by paragraph (3))—

(A) by striking subparagraphs (B) and (C);

(B) in the matter preceding clause (i), by striking ''(A) The Committee'' and inserting ''The Department of Commerce, in coordination with the Environmental Protection Agency and the Department of the Interior,'';

(C) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively;

(D) in subparagraph (A) (as redesignated by subparagraphs (C)), by striking the period at the end and inserting the following: '', including—

''(i) fundamental scientific characterization of the behavior of oil and natural gas in and on soil and water, including miscibility, plume behavior, emulsification, physical separation, and chemical and biological degradation;

''(ii) behavior and effects of emulsified, dispersed, and submerged oil in water; and

''(iii) modeling, simulation, and prediction of oil flows from releases and the trajectories of releases on the surface, the subsurface, and in water.''; and

(E) by adding at the end the following:

''(E) The evaluation of direct and indirect environmental effects of acute and chronic oil discharges on natural resources, including impacts on marine sanctuaries and monuments, protected areas, and protected species.

''(F) The monitoring, modeling, and evaluation of the near- and long-term effects of major spills and long-term cumulative effects of smaller endemic spills.'';

(6) in paragraph (6) (as redesignated by paragraph (3))—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(B) by striking ''The United States Coast Guard'' and inserting the following:

''(A) IN GENERAL.—The Coast Guard''; and

(C) by adding at the end the following:

''(B) EXTREME ENVIRONMENTAL CONDITION DEMONSTRATION PROJECTS.—

''(i) IN GENERAL.—The Secretary of the Interior, in conjunction with the heads of such other agencies as the President may designate, shall conduct deepwater, ultra deepwater, and other extreme environment oil

discharge response demonstration projects for the purpose of developing and demonstrating new integrated deepwater oil discharge mitigation and response systems that use the information and implement the improved practices and technologies developed through the program under this subsection.

''(ii) REQUIREMENTS.—The mitigation and response systems developed under clause (i) shall use technologies and management practices for improving the response capabilities to deepwater oil discharges, including—

''(I) improved oil flow monitoring and calculation;

''(II) improved oil discharge response capability;

''(III) improved subsurface mitigation technologies;

''(IV) improved capability to track and predict the flow and effects of oil discharges in both subsurface and surface areas for the purposes of making oil mitigation and response decisions; and

''(V) any other activities necessary to achieve the purposes of the program.'';

(7) by inserting after paragraph (8) (as redesignated by paragraph (3)) the following:

''(9) RESEARCH CENTERS OF EXCELLENCE.—

''(A) RESPONSE TECHNOLOGIES FOR DEEPWATER, ULTRA DEEPWATER, AND OTHER EXTREME ENVIRONMENT OIL DISCHARGES.—

''(i) ESTABLISHMENT.—The Secretary of the Interior shall establish at 1 or more institutions of higher education a research center of excellence for the research, development, and demonstration of technologies necessary to respond to, contain, mitigate, and clean up deepwater, ultra deepwater, and other extreme-environment discharges of oil.

''(ii) GRANTS.—The Secretary shall provide grants to the research center of excellence established under clause (i) to conduct and oversee basic and applied research in the technologies described in that clause.

''(B) OIL DISCHARGE RESPONSE AND RESTORATION.—

''(i) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in coordination with the Administrator and the Secretary of the Interior, shall establish at 1 or more institutions of higher education a research center of excellence for research and innovation in the fate of, behavior and effects of, and damage assessment and restoration relating to discharges of oil.

''(ii) GRANTS.—The Undersecretary of Commerce for Oceans and Atmosphere shall provide grants to the research center of excellence established under clause (i) to conduct and oversee basic and applied research in the areas described in that clause.

''(C) OTHER RESEARCH CENTERS OF EXCELLENCE.—Any agency that is a member of the Interagency Committee may establish such other research centers of excellence as the agency determines to be necessary for the research, development, and demonstration of technologies necessary to carry out the program established under this subsection.

''(10) PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary of the Interior, the Commandant of the Coast Guard, and the Administrator shall jointly conduct a pilot program to conduct field tests, in the waters of the United States, of new oil discharge response, mitigation, and cleanup technologies developed under the program established under this subsection.

''(B) RESULTS.—The results of the field tests conducted under subparagraph (A) shall be used—

''(i) to refine oil discharge technology research and development; and

''(ii) to assist the Secretary of the Interior, the Commandant of the Coast Guard, and the Administrator in the development of safety and environmental regulations under this Act and other applicable laws.'';

(8) by striking paragraph (11) (as redesignated by paragraph (3)) and inserting the following:

''(11) GRANTS.—

''(A) IN GENERAL.—In carrying out the research and development program established under this subsection, the Department of the Interior, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the Coast Guard shall each establish a program to enter into contracts and cooperative agreements and make competitive grants to institutions of higher education, National Laboratories, research institutions, other persons, or groups of institutions of higher education, research institutions, and other persons, for the purposes of conducting the program established under this subsection.

''(B) APPLICATIONS AND CONDITIONS.—In carrying out this paragraph, each agency—

''(i) shall establish a notification and application procedure;

''(ii) may establish such conditions and require such assurances as may be appropriate to ensure the efficiency and integrity of the grant program; and

''(iii) may make grants under the program on a matching or nonmatching basis.

''(C) PRIORITIES.—Contracts, cooperative agreements, and grants provided under this subparagraph shall address research and technology priorities described in the research and technology plan required under paragraph (13).''; and

(9) by adding at the end the following:

''(13) RESEARCH AND TECHNOLOGY PLAN.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, and every 2 years thereafter, the Interagency Committee shall develop and publish a research and technology plan for the program established under this subsection.

''(B) CONTENTS.—The plan under this paragraph shall—

''(i) identify research needs and opportunities;

''(ii) propose areas of focus for the program;

''(iii) establish program priorities, including priorities for—

''(I) demonstration projects under paragraph (7);

''(II) the research centers of excellence under paragraph (9); and

''(III) research funding provided under paragraph (11); and

''(iv) estimate—

''(I) the extent of resources needed to conduct the program; and

''(II) timetables for completing research tasks under the program.

''(C) PUBLICATION.—The Interagency Committee shall timely publish—

''(i) the plan under this paragraph; and

''(ii) a review of the plan by the Board.

''(14) PEER REVIEW OF PROPOSALS AND RESEARCH.—

''(A) IN GENERAL.—Any provision of funds under the program established under this subsection shall be made only after the agency providing the funding has carried out an impartial peer review of the scientific and technical merit of the proposals for the funding.

''(B) REQUIREMENTS.—The agency providing funding shall ensure that any research conducted under the program shall be peer-reviewed, transparent, and made available to the public.

''(15) FUNDING.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (E), of amounts in the Oil Spill Liability Trust Fund, $25,000,000 for each of fiscal years 2010 through 2020 shall be available, without further appropriation and without fiscal year limitation, to carry out the program under this section.

''(B) ANNUAL EXPENDITURE PLAN.—

''(i) IN GENERAL.—The President shall transmit, as part of the annual budget proposal, a plan for the expenditure of funds under this paragraph.

''(ii) RESEARCH AND TECHNOLOGY PLAN.—The plan developed pursuant to clause (i) shall be consistent with the research and technology plan developed under paragraph (13).

''(C) AVAILABILITY OF AMOUNTS.—On the date that is 15 days after the date on which the Congress adjourns sine die for each year, amounts shall be made available from the Oil Spill Liability Trust Fund, without further appropriation, for the programs and projects in the expenditure plan of the President, unless prior to that date, a law is enacted establishing a different expenditure plan.

''(D) ALTERNATE EXPENDITURE PLAN.—If Congress enacts a law establishing an alternate expenditure plan and the expenditure plan provides for less than the annual funding amount under subparagraph (A), the difference between the annual funding amount and the alternate expenditure plan shall be available for expenditure, without further appropriation, in accordance with the expenditure plan submitted by the President.

''(E) ROLE OF INTERAGENCY COMMITTEE.—In developing the annual expenditure plan under subparagraph (B), the President shall consider the recommendations of the Interagency Committee.''.

(b) FUNDING.—Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended by striking subsection (f) and inserting the following:

''(f) FUNDING.—

''(1) IN GENERAL.—In addition to amounts made available subsection (c)(15), not to exceed $20,000,000 of the amounts in the Fund shall be available each fiscal year to each of the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior to carry out this section.

''(2) APPROPRIATIONS.—Funding authorized under paragraph (1) shall be subject to appropriations.''.

(c) USES OF OIL SPILL LIABILITY TRUST FUND.—Section 1012(a)(5)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)(A)) is amended—

(1) by striking ''$25,000,000'' and inserting ''$50,000,000''; and

(2) by inserting before the semicolon at the end the following: '', of which not less than 40 percent shall be used each fiscal year to conduct research, development, and evaluation of oil spill response and removal technologies and methods consistent with the research and technology plan developed under section 7001(c)(13)''.

TITLE III—OUTER CONTINENTAL SHELF REFORM

SEC. 301. SHORT TITLE.

This title may be cited as the ''Outer Continental Shelf Reform Act of 2010''.

SEC. 302. PURPOSES.

The purposes of this title are—

(1) to rationalize and reform the responsibilities of the Secretary of the Interior with respect to the management of the outer Continental Shelf in order to improve the management, oversight, accountability, safety, and environmental protection of all the resources on the outer Continental Shelf;

(2) to provide independent development and enforcement of safety and environmental laws (including regulations) governing—

(A) energy development and mineral extraction activities on the outer Continental Shelf; and

(B) related offshore activities; and

(3) to ensure a fair return to the taxpayer from, and independent management of, royalty and revenue collection and disbursement activities from mineral and energy resources.

SEC. 303. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(2) OUTER CONTINENTAL SHELF.—The term ''outer Continental Shelf'' has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 304. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.

Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. 1332) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be managed in a manner that—

''(A) recognizes the need of the United States for domestic sources of energy, food, minerals, and other resources;

''(B) minimizes the potential impacts of development of those resources on the marine and coastal environment and on human health and safety; and

''(C) acknowledges the long-term economic value to the United States of the balanced and orderly management of those resources that safeguards the environment and respects the multiple values and uses of the outer Continental Shelf;'';

(2) in paragraph (4)(C), by striking the period at the end and inserting a semicolon;

(3) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(4) by redesignating paragraph (6) as paragraph (7);

(5) by inserting after paragraph (5) the following:

''(6) exploration, development, and production of energy and minerals on the outer Continental Shelf should be allowed only when those activities can be accomplished in a manner that provides reasonable assurance of adequate protection against harm to life, health, the environment, property, or other users of the waters, seabed, or subsoil; and''; and

(6) in paragraph (7) (as so redesignated)—

(A) by striking ''should be'' and inserting ''shall be''; and

(B) by adding ''best available'' after ''using''.

SEC. 305. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

(a) IN GENERAL.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding to the end the following:

''SEC. 32. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

''(a) LEASING, PERMITTING, AND REGULATION BUREAUS.—

''(1) ESTABLISHMENT OF BUREAUS.—

''(A) IN GENERAL.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior not more than 2 bureaus to carry out the leasing, permitting, and safety and environmental regulatory functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) related to the outer Continental Shelf.

''(B) CONFLICTS OF INTEREST.—In establishing the bureaus under subparagraph (A), the Secretary shall ensure, to the maximum extent practicable, that any potential organizational conflicts of interest related to leasing, revenue creation, environmental protection, and safety are eliminated.

''(2) DIRECTOR.—Each bureau shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) COMPENSATION.—Each Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(4) QUALIFICATIONS.—Each Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

''(b) ROYALTY AND REVENUE OFFICE.—

''(1) ESTABLISHMENT OF OFFICE.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior an office to carry out the royalty and revenue management functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

''(2) DIRECTOR.—The office established under paragraph (1) shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) COMPENSATION.—The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(4) QUALIFICATIONS.—The Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

''(c) OCS SAFETY AND ENVIRONMENTAL ADVISORY BOARD.—

''(1) ESTABLISHMENT.—The Secretary shall establish, under the Federal Advisory Committee Act (5 U.S.C. App.), an Outer Continental Shelf Safety and Environmental Advisory Board (referred to in this subsection as the 'Board'), to provide the Secretary and the Directors of the bureaus established under this section with independent peer-reviewed scientific and technical advice on safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

''(2) MEMBERSHIP.—

''(A) SIZE.—

''(i) IN GENERAL.—The Board shall consist of not more than 12 members, chosen to reflect a range of expertise in scientific, engineering, management, and other disciplines related to safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

''(ii) CONSULTATION.—The Secretary shall consult with the National Academy of Sciences and the National Academy of Engineering to identify potential candidates for membership on the Board.

''(B) TERM.—The Secretary shall appoint Board members to staggered terms of not more than 4 years, and shall not appoint a member for more than 2 consecutive terms.

''(C) CHAIR.—The Secretary shall appoint the Chair for the Board.

''(3) MEETINGS.—The Board shall—

''(A) meet not less than 3 times per year; and

''(B) at least once per year, shall host a public forum to review and assess the overall safety and environmental performance of outer Continental Shelf energy and mineral resource activities.

''(4) REPORTS.—Reports of the Board shall—

''(A) be submitted to Congress; and

''(B) made available to the public in an electronically accessible form.

''(5) TRAVEL EXPENSES.—Members of the Board, other than full-time employees of the Federal Government, while attending a meeting of the Board or while otherwise serving at the request of the Secretary or the Director while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

''(d) SPECIAL PERSONNEL AUTHORITIES.—

''(1) DIRECT HIRING AUTHORITY FOR CRITICAL PERSONNEL.—

''(A) IN GENERAL.—Notwithstanding sections 3104, 3304, and 3309 through 3318 of title 5, United States Code, the Secretary may, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified accountants, scientists, engineers, or critical technical personnel into the competitive service, as officers or employees of any of the organizational units established under this section.

''(B) REQUIREMENTS.—In exercising the authority granted under subparagraph (A), the Secretary shall ensure that any action taken by the Secretary—

''(i) is consistent with the merit principles of chapter 23 of title 5, United States Code; and

''(ii) complies with the public notice requirements of section 3327 of title 5, United States Code.

''(2) CRITICAL PAY AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Secretary may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of any of the organizational units established under this section, if the Secretary certifies that—

''(i) the positions—

''(I) require expertise of an extremely high level in a scientific or technical field; and

''(II) any of the organizational units established in this section would not successfully accomplish an important mission without such an individual; and

''(ii) exercise of the authority is necessary to recruit an individual exceptionally well qualified for the position.

''(B) LIMITATIONS.—The authority granted under subparagraph (A) shall be subject to the following conditions:

''(i) The number of critical positions authorized by subparagraph (A) may not exceed 40 at any 1 time in either of the bureaus established under this section.

''(ii) The term of an appointment under subparagraph (A) may not exceed 4 years.

''(iii) An individual appointed under subparagraph (A) may not have been an employee of the Department of the Interior during the 2-year period prior to the date of appointment.

''(iv) Total annual compensation for any individual appointed under subparagraph (A) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

''(v) An individual appointed under subparagraph (A) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

''(C) NOTIFICATION.—Each year, the Secretary shall submit to Congress a notification that lists each individual appointed under this paragraph.

''(3) REEMPLOYMENT OF CIVILIAN RETIREES.—

''(A) IN GENERAL.—Notwithstanding part 553 of title 5, Code of Federal Regulations (relating to reemployment of civilian retirees to meet exceptional employment needs), or successor regulations, the Secretary may approve the reemployment of an individual to a particular position without reduction or termination of annuity if the hiring of the individual is necessary to carry out a critical function of any of the organizational units established under this section for which suitably qualified candidates do not exist.

''(B) LIMITATIONS.—An annuitant hired with full salary and annuities under the authority granted by subparagraph (A)—

''(i) shall not be considered an employee for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code;

''(ii) may not elect to have retirement contributions withheld from the pay of the annuitant;

''(iii) may not use any employment under this paragraph as a basis for a supplemental or recomputed annuity; and

''(iv) may not participate in the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code.

''(C) LIMITATION ON TERM.—The term of employment of any individual hired under subparagraph (A) may not exceed an initial term of 2 years, with an additional 2-year appointment under exceptional circumstances.

''(e) CONTINUITY OF AUTHORITY.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), any reference in any law, rule, regulation, directive, or instruction, or certificate or other official document, in force immediately prior to the date of enactment of this section—

''(1) to the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the appropriate bureaus and offices established under this section;

''(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the Director of the bureau or office under this section to whom the Secretary has assigned the respective duty or authority; and

''(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to that same or equivalent position in the appropriate bureau or office established under this section.''.

(b) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by striking ''Director, Bureau of Mines, Department of the Interior'' and inserting the following:

'' ''Bureau Directors, Department of the Interior (2).

'' ''Director, Royalty and Revenue Office, Department of the Interior.''.

SEC. 306. SAFETY, ENVIRONMENTAL, AND FINANCIAL REFORM OF THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) DEFINITIONS.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

''(r) SAFETY CASE.—The term 'safety case' means a complete set of safety documentation that provides a basis for determining whether a system is adequately safe for a given application in a given environment.''.

(b) ADMINISTRATION OF LEASING.—Section 5(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)) is amended in the second sentence—

(1) by striking ''The Secretary may at any time'' and inserting ''The Secretary shall''; and

(2) by inserting after ''provide for'' the following: ''operational safety, the protection of the marine and coastal environment,''.

(c) MAINTENANCE OF LEASES.—Section 6 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335) is amended by adding at the end the following:

''(f) REVIEW OF BOND AND SURETY AMOUNTS.—Not later than May 1, 2011, and every 5 years thereafter, the Secretary shall—

''(1) review the minimum financial responsibility requirements for mineral leases under subsection (a)(11); and

''(2) adjust for inflation based on the Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, and recommend to Congress any further changes to existing financial responsibility requirements necessary to permit lessees to fulfill all obligations under this Act or the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

''(g) PERIODIC FISCAL REVIEWS AND REPORTS.—

''(1) ROYALTY RATES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary shall carry out a review of, and prepare a report that describes—

''(i) the royalty and rental rates included in new offshore oil and gas leases and the rationale for the rates;

''(ii) whether, in the view of the Secretary, the royalty and rental rates described in subparagraph (A) would yield a fair return to the public while promoting the production of oil and gas resources in a timely manner; and

''(iii) whether, based on the review, the Secretary intends to modify the royalty or rental rates.

''(B) PUBLIC PARTICIPATION.—In carrying out a review and preparing a report under subparagraph (A), the Secretary shall provide to the public an opportunity to participate.

''(2) COMPARATIVE REVIEW OF FISCAL SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary in consultation with the Secretary of the Treasury, shall carry out a comprehensive review of all components of the Federal offshore oil and gas fiscal system, including requirements for bonus bids, rental rates, royalties, oil and gas taxes, income taxes and other significant financial elements, and oil and gas fees.

''(B) INCLUSIONS.—The review shall include—

''(i) information and analyses comparing the offshore bonus bids, rents, royalties, taxes, and fees of the Federal Government to the offshore bonus bids, rents, royalties, taxes, and fees of other resource owners (including States and foreign countries); and

''(ii) an assessment of the overall offshore oil and gas fiscal system in the United States, as compared to foreign countries.

''(C) INDEPENDENT ADVISORY COMMITTEE.—In carrying out a review under this paragraph, the Secretary shall convene and seek the advice of an independent advisory committee comprised of oil and gas and fiscal experts from States, Indian tribes, academia, the energy industry, and appropriate nongovernmental organizations.

''(D) REPORT.—The Secretary shall prepare a report that contains—

''(i) the contents and results of the review carried out under this paragraph for the period covered by the report; and

''(ii) any recommendations of the Secretary and the Secretary of the Treasury based on the contents and results of the review.

''(E) COMBINED REPORT.—The Secretary may combine the reports required by paragraphs (1) and (2)(D) into 1 report.

''(3) REPORT DEADLINE.—Not later than 30 days after the date on which the Secretary completes each report under this subsection, the Secretary shall submit copies of the report to—

''(A) the Committee on Energy and Natural Resources of the Senate;

''(B) the Committee on Finance of the Senate;

''(C) the Committee on Natural Resources of the House of Representatives; and

''(D) the Committee on Ways and Means of the House of Representatives.''.

(d) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking subsection (d) and inserting the following:

''(d) DISQUALIFICATION FROM BIDDING.—No bid for a lease may be submitted by any entity that the Secretary finds, after prior public notice and opportunity for a hearing—

''(1) is not meeting due diligence, safety, or environmental requirements on other leases; or

''(2)(A) is a responsible party for a vessel or a facility from which oil is discharged, for purposes of section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702); and

''(B) has failed to meet the obligations of the responsible party under that Act to provide compensation for covered removal costs and damages.''.

(e) EXPLORATION PLANS.—Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended—

(1) in subsection (c)—

(A) in the fourth sentence of paragraph (1), by striking ''within thirty days of its submission'' and inserting ''by the deadline described in paragraph (5)'';

(B) by striking paragraph (3) and inserting the following:

''(3) MINIMUM REQUIREMENTS.—

''(A) IN GENERAL.—An exploration plan submitted under this subsection shall include, in such degree of detail as the Secretary by regulation may require—

''(i) a complete description and schedule of the exploration activities to be undertaken;

''(ii) a description of the equipment to be used for the exploration activities, including—

''(I) a description of the drilling unit;

''(II) a statement of the design and condition of major safety-related pieces of equipment;

''(III) a description of any new technology to be used; and

''(IV) a statement demonstrating that the equipment to be used meets the best available technology requirements under section 21(b);

''(iii) a map showing the location of each well to be drilled;

''(iv)(I) a scenario for the potential blowout of the well involving the highest expected volume of liquid hydrocarbons; and

''(II) a complete description of a response plan to control the blowout and manage the accompanying discharge of hydrocarbons, including—

''(aa) the technology and timeline for regaining control of the well; and

''(bb) the strategy, organization, and resources to be used to avoid harm to the environment and human health from hydrocarbons; and

''(v) any other information determined to be relevant by the Secretary.

''(B) DEEPWATER WELLS.—

''(i) IN GENERAL.—Before conducting exploration activities in water depths greater than 500 feet, the holder of a lease shall submit to the Secretary for approval a deepwater operations plan prepared by the lessee in accordance with this subparagraph.

''(ii) TECHNOLOGY REQUIREMENTS.—A deepwater operations plan under this subparagraph shall be based on the best available technology to ensure safety in carrying out the exploration activity and the blowout response plan.

''(iii) SYSTEMS ANALYSIS REQUIRED.—The Secretary shall not approve a deepwater operations plan under this subparagraph unless the plan includes a technical systems analysis of—

''(I) the safety of the proposed exploration activity;

''(II) the blowout prevention technology; and

''(III) the blowout and spill response plans.''; and

(C) by adding at the end the following:

''(5) DEADLINE FOR APPROVAL.—

''(A) IN GENERAL.—In the case of a lease issued under a sale held after March 17, 2010, the deadline for approval of an exploration plan referred to in the fourth sentence of paragraph (1) is—

''(i) the date that is 90 days after the date on which the plan or the modifications to the plan are submitted; or

''(ii) the date that is not later than an additional 180 days after the deadline described in clause (i), if the Secretary makes a finding that additional time is necessary to complete any environmental, safety, or other reviews.

''(B) EXISTING LEASES.—In the case of a lease issued under a sale held on or before March 17, 2010, the Secretary, with the consent of the holder of the lease, may extend the deadline applicable to the lease for such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews.'';

(2) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(3) by striking subsection (d) and inserting the following:

''(d) DRILLING PERMITS.—

''(1) IN GENERAL.—The Secretary shall, by regulation, require that any lessee operating under an approved exploration plan obtain a permit—

''(A) before the lessee drills a well in accordance with the plan; and

''(B) before the lessee significantly modifies the well design originally approved by the Secretary.

''(2) ENGINEERING REVIEW REQUIRED.—The Secretary may not grant any drilling permit until the date of completion of a full review of the well system by not less than 2 agency engineers, including a written determination that—

''(A) critical safety systems (including blowout prevention) will use best available technology; and

''(B) blowout prevention systems will include redundancy and remote triggering capability.

''(3) MODIFICATION REVIEW REQUIRED.—The Secretary may not approve any modification of a permit without a determination, after an additional engineering review, that the modification will not compromise the safety of the well system previously approved.

''(4) OPERATOR SAFETY AND ENVIRONMENTAL MANAGEMENT REQUIRED.—The Secretary may not grant any drilling permit or modification of the permit until the date of completion and approval of a safety and environmental management plan that—

''(A) is to be used by the operator during all well operations; and

''(B) includes—

''(i) a description of the expertise and experience level of crew members who will be present on the rig; and

''(ii) designation of at least 2 environmental and safety managers that—

''(I) are employees of the operator;

''(II) would be present on the rig at all times; and

''(III) have overall responsibility for the safety and environmental management of the well system and spill response plan; and

''(C) not later than May 1, 2012, requires that all employees on the rig meet the training and experience requirements under section 21(b)(4).

''(e) DISAPPROVAL OF EXPLORATION PLAN.—

''(1) IN GENERAL.—The Secretary shall disapprove an exploration plan submitted under this section if the Secretary determines that, because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that—

''(A) implementation of the exploration plan would probably cause serious harm or damage to life (including fish and other aquatic life), property, mineral deposits, national security or defense, or the marine, coastal or human environments;

''(B) the threat of harm or damage would not disappear or decrease to an acceptable extent within a reasonable period of time; and

''(C) the advantages of disapproving the exploration plan outweigh the advantages of exploration.

''(2) COMPENSATION.—If an exploration plan is disapproved under this subsection, the provisions of subparagraphs (B) and (C) of section 25(h)(2) shall apply to the lease and the plan or any modified plan, except that the reference in section 25(h)(2)(C) to a development and production plan shall be considered to be a reference to an exploration plan.''.

(f) OUTER CONTINENTAL SHELF LEASING PROGRAM.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting after ''national energy needs'' the following: ''and the need for the protection of the marine and coastal environment and resources'';

(B) in paragraph (1), by striking ''considers'' and inserting ''gives equal consideration to''; and

(C) in paragraph (3), by striking '', to the maximum extent practicable,'';

(2) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) provide technical review and oversight of the exploration plan and a systems review of the safety of the well design and other operational decisions;

''(6) conduct regular and thorough safety reviews and inspections, and;

''(7) enforce all applicable laws (including regulations).'';

(3) in the second sentence of subsection (d)(2), by inserting '', the head of an interested Federal agency,'' after ''Attorney General'';

(4) in the first sentence of subsection (g), by inserting before the period at the end the following: '', including existing inventories and mapping of marine resources previously undertaken by the Department of the Interior and the National Oceanic and Atmospheric Administration, information provided by the Department of Defense, and other available data regarding energy or mineral resource potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses on the outer Continental Shelf''; and

(5) by adding at the end the following:

''(i) RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary shall carry out a program of research and development to ensure the continued improvement of methodologies for characterizing resources of the outer Continental Shelf and conditions that may affect the ability to develop and use those resources in a safe, sound, and environmentally responsible manner.

''(2) INCLUSIONS.—Research and development activities carried out under paragraph (1) may include activities to provide accurate estimates of energy and mineral reserves and potential on the outer Continental Shelf and any activities that may assist in filling gaps in environmental data needed to develop each leasing program under this section.

''(3) LEASING ACTIVITIES.—Research and development activities carried out under paragraph (1) shall not be considered to be leasing or pre-leasing activities for purposes of this Act.''.

(g) ENVIRONMENTAL STUDIES.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) COMPREHENSIVE AND INDEPENDENT STUDIES.—

''(1) IN GENERAL.—The Secretary shall develop and carry out programs for the collection, evaluation, assembly, analysis, and dissemination of environmental and other resource data that are relevant to carrying out the purposes of this Act, including assessments under subsection (g) .

''(2) SCOPE OF RESEARCH.—The programs under this subsection shall include—

''(A) the gathering of baseline data in areas before energy or mineral resource development activities occur;

''(B) ecosystem research and monitoring studies to support integrated resource management decisions; and

''(C) the improvement of scientific understanding of the fate, transport, and effects of discharges and spilled materials, including deep water hydrocarbon spills, in the marine environment.

''(3) USE OF DATA.—The Secretary shall ensure that information from the studies carried out under this section—

''(A) informs the management of energy and mineral resources on the outer Continental Shelf including any areas under consideration for oil and gas leasing; and

''(B) contributes to a broader coordination of energy and mineral resource development activities within the context of best available science.

''(4) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

''(A) be programmatically separate and distinct from the leasing program;

''(B) carry out the environmental studies under this section;

''(C) conduct additional environmental studies relevant to the sound management of energy and mineral resources on the outer Continental Shelf;

''(D) provide for external scientific review of studies under this section, including

through appropriate arrangements with the National Academy of Sciences; and

''(E) subject to the restrictions of subsections (g) and (h) of section 18, make available to the public studies conducted and data gathered under this section.''; and

(3) in the first sentence of subsection (b)(1) (as so redesignated), by inserting ''every 3 years'' after ''shall conduct''.

(h) SAFETY RESEARCH AND REGULATIONS.—Section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) is amended—

(1) in the first sentence of subsection (a), by striking ''Upon the date of enactment of this section,'' and inserting ''Not later than May 1, 2011, and every 3 years thereafter,'';

(2) by striking subsection (b) and inserting the following:

''(b) BEST AVAILABLE TECHNOLOGIES AND PRACTICES.—

''(1) IN GENERAL.—In exercising respective responsibilities under this Act, the Secretary, and the Secretary of the Department in which the Coast Guard is operating, shall require, on all new drilling and production operations and, to the maximum extent practicable, on existing operations, the use of the best available and safest technologies and practices, if the failure of equipment would have a significant effect on safety, health, or the environment.

''(2) IDENTIFICATION OF BEST AVAILABLE TECHNOLOGIES.—Not later than May 1, 2011, and not later than every 3 years thereafter, the Secretary shall identify and publish an updated list of best available technologies for key areas of well design and operation, including blowout prevention and blowout and oil spill response.

''(3) SAFETY CASE.—Not later than May 1, 2011, the Secretary shall promulgate regulations requiring a safety case be submitted along with each new application for a permit to drill on the outer Continental Shelf.

''(4) EMPLOYEE TRAINING.—

''(A) IN GENERAL.—Not later than May 1, 2011, the Secretary shall promulgate regulations setting standards for training for all workers on offshore facilities (including mobile offshore drilling units) conducting energy and mineral resource exploration, development, and production operations on the outer Continental Shelf.

''(B) REQUIREMENTS.—The training standards under this paragraph shall require that employers of workers described in subparagraph (A)—

''(i) establish training programs approved by the Secretary; and

''(ii) demonstrate that employees involved in the offshore operations meet standards that demonstrate the aptitude of the employees in critical technical skills.

''(C) EXPERIENCE.—The training standards under this section shall require that any offshore worker with less than 5 years of applied experience in offshore facilities operations pass a certification requirement after receiving the appropriate training.

''(D) MONITORING TRAINING COURSES.—The Secretary shall ensure that Department employees responsible for inspecting offshore facilities monitor, observe, and report on training courses established under this paragraph, including attending a representative number of the training sessions, as determined by the Secretary.''; and

(3) by adding at the end the following:

''(g) TECHNOLOGY RESEARCH AND RISK ASSESSMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program of research, development, and risk assessment to address technology and development issues associated with outer Continental Shelf energy and mineral resource activities, with the primary purpose of informing the role of research, development, and risk assessment relating to safety, environmental protection, and spill response.

''(2) SPECIFIC AREAS OF FOCUS.—The program under this subsection shall include research, development, and other activities related to—

''(A) risk assessment, using all available data from safety and compliance records both within the United States and internationally;

''(B) analysis of industry trends in technology, investment, and interest in frontier areas;

''(C) analysis of incidents investigated under section 22;

''(D) reviews of best available technologies, including technologies associated with pipelines, blowout preventer mechanisms, casing, well design, and other associated infrastructure related to offshore energy development;

''(E) oil spill response and mitigation;

''(F) risks associated with human factors; and

''(G) renewable energy operations.

''(3) INFORMATION SHARING ACTIVITIES.—

''(A) DOMESTIC ACTIVITIES.—The Secretary shall carry out programs to facilitate the exchange and dissemination of scientific and technical information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

''(B) INTERNATIONAL COOPERATION.—The Secretary shall carry out programs to cooperate with international organizations and foreign governments to share information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

''(4) REPORTS.—The program under this subsection shall provide to the Secretary, each Bureau Director under section 32, and the public quarterly reports that address—

''(A) developments in each of the areas under paragraph (2); and

''(B)(i) any accidents that have occurred in the past quarter; and

''(ii) appropriate responses to the accidents.

''(5) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

''(A) be programmatically separate and distinct from the leasing program;

''(B) carry out the studies, analyses, and other activities under this subsection;

''(C) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

''(D) make available to the public studies conducted and data gathered under this section.

''(6) USE OF DATA.—The Secretary shall ensure that the information from the studies and research carried out under this section inform the development of safety practices and regulations as required by this Act and other applicable laws.''.

(i) ENFORCEMENT.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting '', each loss of well control, blowout, activation of the blowout preventer, and other accident that presented a serious risk to human or environmental safety,'' after ''fire''; and

(ii) in the last sentence, by inserting ''as a condition of the lease'' before the period at the end;

(B) in the last sentence of paragraph (2), by inserting ''as a condition of lease'' before the period at the end;

(2) in subsection (e)—

(A) by striking ''(e) The'' and inserting the following:

''(e) REVIEW OF ALLEGED SAFETY VIOLATIONS.—

''(1) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(2) INVESTIGATION.—The Secretary shall investigate any allegation from any employee of the lessee or any subcontractor of the lessee made under paragraph (1).''; and

(3) by adding at the end of the section the following:

''(g) INDEPENDENT INVESTIGATION.—

''(1) IN GENERAL.—At the request of the Secretary, the National Transportation Safety Board may conduct an independent investigation of any accident, occurring in the outer Continental Shelf and involving activities under this Act, that does not otherwise fall within the definition of an accident or major marine casualty, as those terms are used in chapter 11 of title 49, United States Code.

''(2) TRANSPORTATION ACCIDENT.—For purposes of an investigation under this subsection, the accident that is the subject of the request by the Secretary shall be determined to be a transportation accident within the meaning of that term in chapter 11 of title 49, United States Code.

''(h) INFORMATION ON CAUSES AND CORRECTIVE ACTIONS.—

''(1) IN GENERAL.—For each incident investigated under this section, the Secretary shall promptly make available to all lessees and the public technical information about the causes and corrective actions taken.

''(2) PUBLIC DATABASE.—All data and reports related to an incident described in paragraph (1) shall be maintained in a database that is available to the public.

''(i) INSPECTION FEE.—

''(1) IN GENERAL.—To the extent necessary to fund the inspections described in this paragraph, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the Ocean Energy Enforcement Fund established under paragraph (3), from the designated operator for facilities subject to inspection under subsection (c).

''(2) ESTABLISHMENT.—The Secretary shall establish, by rule, inspection fees—

''(A) at an aggregate level equal to the amount necessary to offset the annual expenses of inspections of outer Continental Shelf facilities (including mobile offshore drilling units) by the Department of the Interior; and

''(B) using a schedule that reflects the differences in complexity among the classes of facilities to be inspected.

''(3) OCEAN ENERGY ENFORCEMENT FUND.—There is established in the Treasury a fund, to be known as the 'Ocean Energy Enforcement Fund' (referred to in this subsection as the 'Fund'), into which shall be deposited amounts collected under paragraph (1) and which shall be available as provided under paragraph (4).

''(4) AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, all amounts collected by the Secretary under this section—

''(A) shall be credited as offsetting collections;

''(B) shall be available for expenditure only for purposes of carrying out inspections of outer Continental Shelf facilities (including mobile offshore drilling units) and the administration of the inspection program;

''(C) shall be available only to the extent provided for in advance in an appropriations Act; and

''(D) shall remain available until expended.

''(5) ANNUAL REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning

with fiscal year 2011, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

''(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

''(i) A statement of the amounts deposited into the Fund.

''(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

''(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

''(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.''.

(j) REMEDIES AND PENALTIES.—Section 24 of the Outer Continental Shelf Lands Act (43 U.S.C. 1350) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) CIVIL PENALTY.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (3), if any person fails to comply with this Act, any term of a lease or permit issued under this Act, or any regulation or order issued under this Act, the person shall be liable for a civil administrative penalty of not more than $75,000 for each day of continuance of each failure.

''(2) ADMINISTRATION.—The Secretary may assess, collect, and compromise any penalty under paragraph (1).

''(3) HEARING.—No penalty shall be assessed under this subsection until the person charged with a violation has been given the opportunity for a hearing.

''(4) ADJUSTMENT.—The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.'';

(2) in subsection (c)—

(A) in the first sentence, by striking ''$100,000'' and inserting ''$10,000,000''; and

(B) by adding at the end the following: ''The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''; and

(3) in subsection (d), by inserting '', or with reckless disregard,'' after ''knowingly and willfully''.

(k) OIL AND GAS DEVELOPMENT AND PRODUCTION.—Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351) is amended by striking '', other than the Gulf of Mexico,'' each place it appears in subsections (a)(1), (b), and (e)(1).

(l) CONFLICTS OF INTEREST.—Section 29 of the Outer Continental Shelf Lands Act (43 U.S.C. 1355) is amended to read as follows:

''SEC. 29. CONFLICTS OF INTEREST.

''(a) RESTRICTIONS ON EMPLOYMENT.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall—

''(1) within 2 years after his employment with the Department has ceased—

''(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

''(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

''(C) knowingly aid, advise, or assist in—

''(i) representing any other person (except the United States in any formal or informal appearance before; or

''(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

any department, agency, or court of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, regulation, order lease, permit, rulemaking, inspection, enforcement action, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility or in which he participated personally and substantially as an officer or employee;

''(2) within 1 year after his employment with the Department has ceased—

''(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

''(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

''(C) knowingly aid , advise, or assist in —

''(i) representing any other person (except the United States in any formal or informal appearance before, or

''(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

the Department of the Interior, or any officer or employee thereof, in connection with any judicial, rulemaking, regulation, order, lease, permit, regulation, inspection, enforcement action, or other particular matter which is pending before the Department of the Interior or in which the Department has a direct and substantial interest; or

''(3) accept employment or compensation, during the 1-year period beginning on the date on which employment with the Department has ceased, from any person (other than the United States) that has a direct and substantial interest—

''(A) that was pending under the official responsibility of the employee as an officer or employee of the Department during the 1-year period preceding the termination of the responsibility; or

''(B) in which the employee participated personally and substantially as an officer or employee.

''(b) PRIOR EMPLOYMENT RELATIONSHIPS.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall participate personally and substantially as a Federal officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, inspection, enforcement action, or other particular matter in which, to the knowledge of the officer or employee—

''(1) the officer or employee or the spouse, minor child, or general partner of the officer or employee has a financial interest;

''(2) any organization in which the officer or employee is serving as an officer, director, trustee, general partner, or employee has a financial interest;

''(3) any person or organization with whom the officer or employee is negotiating or has any arrangement concerning prospective employment has a financial interest; or

''(4) any person or organization in which the officer or employee has, within the preceding 1-year period, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee has a financial interest.

''(c) GIFTS FROM OUTSIDE SOURCES.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall, directly or indirectly, solicit or accept any gift in violation of subpart B of part 2635 of title V, Code of Federal Regulations (or successor regulations).

''(d) EXEMPTIONS.—The Secretary may, by rule, exempt from this section clerical and support personnel who do not conduct inspections, perform audits, or otherwise exercise regulatory or policy making authority under this Act.

''(e) PENALTIES.—

''(1) CRIMINAL PENALTIES.—Any person who violates paragraph (1) or (2) of subsection (a) or subsection (b) shall be punished in accordance with section 216 of title 18, United States Code.

''(2) CIVIL PENALTIES.—Any person who violates subsection (a)(3) or (c) shall be punished in accordance with subsection (b) of section 216 of title 18, United States Code.''.

SEC. 307. STUDY ON THE EFFECT OF THE MORATORIA ON NEW DEEPWATER DRILLING IN THE GULF OF MEXICO ON EMPLOYMENT AND SMALL BUSINESSES.

(a) IN GENERAL.—The Department of Energy, acting through the Energy Information Administration, shall publish a monthly study evaluating the effect of the moratoria resulting from the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment, on employment and small businesses.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act and at the beginning of each month thereafter during the effective period of the moratoria described in subsection (a), the Secretary of Energy, acting through the Energy Information Administration, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the results of the study conducted under subsection (a), including—

(1) a survey of the effect of the moratoria on deepwater drilling on employment in the industries directly involved in oil and natural gas exploration in the outer Continental Shelf;

(2) a survey of the effect of the moratoria on employment in the industries indirectly involved in oil and natural gas exploration in the outer Continental Shelf, including suppliers of supplies or services and customers of industries directly involved in oil and natural gas exploration;

(3) an estimate of the effect of the moratoria on the revenues of small business located near the Gulf of Mexico and, to the maximum extent practicable, throughout the United States; and

(4) any recommendations to mitigate possible negative effects on small business concerns resulting from the moratoria.

SEC. 308. REFORM OF OTHER LAW.

Section 388(b) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58) is amended by adding at the end the following:

''(4) FEDERAL AGENCIES.—Any head of a Federal department or agency shall, on request of the Secretary, provide to the Secretary all data and information that the Secretary determines to be necessary for the purpose of including the data and information in the mapping initiative, except that no Federal department or agency shall be required to provide any data or information that is privileged or proprietary.''.

SEC. 309. SAFER OIL AND GAS PRODUCTION.

(a) PROGRAM AUTHORITY.—Section 999A of the Energy Policy Act of 2005 (42 U.S.C. 16371) is amended—

(1) in subsection (a)—

(A) by striking ''ultra-deepwater'' and inserting ''deepwater''; and

(B) by inserting ''well control and accident prevention,'' after ''safe operations,'';

(2) in subsection (b)—

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

''(1) Deepwater architecture, well control and accident prevention, and deepwater technology, including drilling to deep formations in waters greater than 500 feet.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) Safety technology research and development for drilling activities aimed at well control and accident prevention performed by the Office of Fossil Energy of the Department.''; and

(3) in subsection (d)—

(A) in the subsection heading, by striking ''NATIONAL ENERGY TECHNOLOGY LABORATORY'' and inserting ''OFFICE OF FOSSIL ENERGY OF THE DEPARTMENT''; and

(B) by striking ''National Energy Technology Laboratory'' and inserting ''Office of Fossil Energy of the Department''.

(b) DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.—Section 999B of the Energy Policy Act of 2005 (42 U.S.C. 16372) is amended—

(1) in the section heading, by striking ''**ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM**'' and inserting ''**SAFE OIL AND GAS PRODUCTION AND ACCIDENT PREVENTION**'';

(2) in subsection (a), by striking '', by increasing'' and all that follows through the period at the end and inserting ''and the safe and environmentally responsible exploration, development, and production of hydrocarbon resources.'';

(3) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) projects will be selected on a competitive, peer-reviewed basis.''; and

(4) in subsection (d)—

(A) in paragraph (6), by striking ''ultra-deepwater'' and inserting ''deepwater'';

(B) in paragraph (7)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''ULTRA-DEEPWATER'' and inserting ''DEEPWATER'';

(II) by striking ''development and'' and inserting ''research, development, and''; and

(III) by striking ''as well as'' and all that follows through the period at the end and inserting ''aimed at improving operational safety of drilling activities, including well integrity systems, well control, blowout prevention, the use of non-toxic materials, and integrated systems approach-based management for exploration and production in deepwater.'';

(ii) in subparagraph (B), by striking ''and environmental mitigation'' and inserting ''use of non-toxic materials, drilling safety, and environmental mitigation and accident prevention'';

(iii) in subparagraph (C), by inserting ''safety and accident prevention, well control and systems integrity,'' after ''including''; and

(iv) by adding at the end the following:

''(D) SAFETY AND ACCIDENT PREVENTION TECHNOLOGY RESEARCH AND DEVELOPMENT.—Awards from allocations under section 999H(d)(4) shall be expended on areas including—

''(i) development of improved cementing and casing technologies;

''(ii) best management practices for cementing, casing, and other well control activities and technologies;

''(iii) development of integrity and stewardship guidelines for—

''(I) well-plugging and abandonment;

''(II) development of wellbore sealant technologies; and

''(III) improvement and standardization of blowout prevention devices.''; and

(C) by adding at the end the following:

''(8) STUDY; REPORT.—

''(A) STUDY.—As soon as practicable after the date of enactment of this paragraph, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to determine—

''(i) whether the benefits provided through each award under this subsection during calendar year 2011 have been maximized; and

''(ii) the new areas of research that could be carried out to meet the overall objectives of the program.

''(B) REPORT.—Not later than January 1, 2012, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under subparagraph (A).

''(C) OPTIONAL UPDATES.—The Secretary may update the report described in subparagraph (B) for the 5-year period beginning on the date described in that subparagraph and each 5-year period thereafter.'';

(5) in subsection (e)—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by inserting ''to the Secretary for review'' after ''submit''; and

(ii) in the first sentence of subparagraph (B), by striking ''Ultra-Deepwater'' and all that follows through ''and such Advisory Committees'' and inserting ''Program Advisory Committee established under section 999D(a), and the Advisory Committee''; and

(B) by adding at the end the following:

''(6) RESEARCH FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTATION.—The Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register an annual report on the research findings of the program carried out under this section and any recommendations for implementation that the Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, determines to be necessary.'';

(6) in subsection (i)—

(A) in the subsection heading, by striking ''UNITED STATES GEOLOGICAL SURVEY'' and inserting ''DEPARTMENT OF THE INTERIOR''; and

(B) by striking '', through the United States Geological Survey,''; and

(7) in the first sentence of subsection (j), by striking ''National Energy Technology Laboratory'' and inserting ''Office of Fossil Energy of the Department''.

(c) ADDITIONAL REQUIREMENTS FOR AWARDS.—Section 999C(b) of the Energy Policy Act of 2005 (42 U.S.C. 16373(b)) is amended by striking ''an ultra-deepwater technology or an ultra-deepwater architecture'' and inserting ''a deepwater technology''.

(d) PROGRAM ADVISORY COMMITTEE.—Section 999D of the Energy Policy Act of 2005 (42 U.S.C. 16374) is amended to read as follows:

''SEC. 999D. PROGRAM ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 270 days after the date of enactment of the Outer Continental Shelf Reform Act of 2010, the Secretary shall establish an advisory committee to be known as the 'Program Advisory Committee' (referred to in this section as the 'Advisory Committee').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Advisory Committee shall be composed of members appointed by the Secretary, including—

''(A) individuals with extensive research experience or operational knowledge of hydrocarbon exploration and production;

''(B) individuals broadly representative of the affected interests in hydrocarbon production, including interests in environmental protection and safety operations;

''(C) representatives of Federal agencies, including the Environmental Protection Agency and the Department of the Interior;

''(D) State regulatory agency representatives; and

''(E) other individuals, as determined by the Secretary.

''(2) LIMITATIONS.—

''(A) IN GENERAL.—The Advisory Committee shall not include individuals who are board members, officers, or employees of the program consortium.

''(B) CATEGORICAL REPRESENTATION.—In appointing members of the Advisory Committee, the Secretary shall ensure that no class of individuals described in any of subparagraphs (A), (B), (D), or (E) of paragraph (1) comprises more than ⅓ of the membership of the Advisory Committee.

''(c) SUBCOMMITTEES.—The Advisory Committee may establish subcommittees for separate research programs carried out under this subtitle.

''(d) DUTIES.—The Advisory Committee shall—

''(1) advise the Secretary on the development and implementation of programs under this subtitle; and

''(2) carry out section 999B(e)(2)(B).

''(e) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but shall be entitled to receive travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

''(f) PROHIBITION.—The Advisory Committee shall not make recommendations on funding awards to particular consortia or other entities, or for specific projects.''.

(e) DEFINITIONS.—Section 999G of the Energy Policy Act of 2005 (42 U.S.C. 16377) is amended—

(1) in paragraph (1), by striking ''200 but less than 1,500 meters'' and inserting ''500 feet'';

(2) by striking paragraphs (8), (9), and (10);

(3) by redesignating paragraphs (2) through (7) and (11) as paragraphs (4) through (9) and (10), respectively;

(4) by inserting after paragraph (1) the following:

''(2) DEEPWATER ARCHITECTURE.—The term 'deepwater architecture' means the integration of technologies for the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.

''(3) DEEPWATER TECHNOLOGY.—The term 'deepwater technology' means a discrete technology that is specially suited to address 1 or more challenges associated with the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.''; and

(5) in paragraph (10) (as redesignated by paragraph (3)), by striking ''in an economically inaccessible geological formation, including resources of small producers''.

(f) FUNDING.—Section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378) is amended—

(1) in the first sentence of subsection (a) by striking ''Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund'' and inserting ''Safe and Responsible Energy Production Research Fund'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''35 percent'' and inserting ''21.5 percent'';

(B) in paragraph (2), by striking ''32.5 percent'' and inserting ''21 percent'';

(C) in paragraph (4)—

(i) by striking ''25 percent'' and inserting ''30 percent'';

(ii) by striking ''complementary research'' and inserting ''safety technology research and development''; and

(iii) by striking ''contract management,'' and all that follows through the period at the end and inserting ''and contract management.''; and

(D) by adding at the end the following:

''(5) 20 percent shall be used for research activities required under sections 20 and 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346, 1347).''.

(3) in subsection (f), by striking ''Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund'' and inserting ''Safer Oil and Gas Production and Accident Prevention Research Fund''.

(g) CONFORMING AMENDMENT.—Subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.) is amended in the subtitle heading by striking ''**Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources**'' and inserting ''**Safer Oil and Gas Production and Accident Prevention**''.

SEC. 310. NATIONAL COMMISSION ON OUTER CONTINENTAL SHELF OIL SPILL PREVENTION.

(a) ESTABLISHMENT.—There is established in the Legislative branch the National Commission on Outer Continental Shelf Oil Spill Prevention (referred to in this section as the ''Commission'').

(b) PURPOSES.—The purposes of the Commission are—

(1) to examine and report on the facts and causes relating to the Deepwater Horizon explosion and oil spill of 2010;

(2) to ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the incident;

(3) to build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate;

(B) the Committee on Natural Resources and the Subcommittee on Oversight and Investigations of the House of Representatives; and

(C) other Executive branch, congressional, or independent commission investigations into the Deepwater Horizon incident of 2010, other fatal oil platform accidents and major spills, and major oil spills generally;

(4) to make a full and complete accounting of the circumstances surrounding the incident, and the extent of the preparedness of the United States for, and immediate response of the United States to, the incident; and

(5) to investigate and report to the President and Congress findings, conclusions, and recommendations for corrective measures that may be taken to prevent similar incidents.

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 1 member shall be appointed by the President, who shall serve as Chairperson of the Commission;

(B) 1 member shall be appointed by the majority or minority (as the case may be) leader of the Senate from the Republican Party and the majority or minority (as the case may be) leader of the House of Representatives from the Republican Party, who shall serve as Vice Chairperson of the Commission;

(C) 2 members shall be appointed by the senior member of the leadership of the Senate from the Democratic Party;

(D) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Republican Party;

(E) 2 members shall be appointed by the senior member of the leadership of the Senate from the Republican Party; and

(F) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Democratic Party.

(2) QUALIFICATIONS; INITIAL MEETING.—

(A) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(B) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be a current officer or employee of the Federal Government or any State or local government.

(C) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience and expertise in such areas as—

(i) engineering;

(ii) environmental compliance;

(iii) health and safety law (particularly oil spill legislation);

(iv) oil spill insurance policies;

(v) public administration;

(vi) oil and gas exploration and production;

(vii) environmental cleanup; and

(viii) fisheries and wildlife management.

(D) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before September 15, 2010.

(E) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable after the date of enactment of this Act.

(3) QUORUM; VACANCIES.—

(A) IN GENERAL.—After the initial meeting of the Commission, the Commission shall meet upon the call of the Chairperson or a majority of the members of the Commission.

(B) QUORUM.—6 members of the Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner in which the original appointment was made.

(d) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The functions of the Commission are—

(A) to conduct an investigation that—

(i) investigates relevant facts and circumstances relating to the Deepwater Horizon incident of April 20, 2010, and the associated oil spill thereafter, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(ii) may include relevant facts and circumstances relating to—

(I) permitting agencies;

(II) environmental and worker safety law enforcement agencies;

(III) national energy requirements;

(IV) deepwater and ultradeepwater oil and gas exploration and development;

(V) regulatory specifications, testing, and requirements for offshore oil and gas well explosion prevention;

(VI) regulatory specifications, testing, and requirements offshore oil and gas well casing and cementing regulation;

(VII) the role of congressional oversight and resource allocation; and

(VIII) other areas of the public and private sectors determined to be relevant to the Deepwater Horizon incident by the Commission;

(B) to identify, review, and evaluate the lessons learned from the Deepwater Horizon incident of April 20, 2010, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, and the private sector, relative to detecting, preventing, and responding to those incidents; and

(C) to submit to the President and Congress such reports as are required under this section containing such findings, conclusions, and recommendations as the Commission determines to be appropriate, including proposals for organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(2) RELATIONSHIP TO INQUIRY BY CONGRESSIONAL COMMITTEES.—In investigating facts and circumstances relating to energy policy, the Commission shall—

(A) first review the information compiled by, and any findings, conclusions, and recommendations of, the committees identified in subparagraphs (A) and (B) of subsection (b)(3); and

(B) after completion of that review, pursue any appropriate area of inquiry, if the Commission determines that—

(i) those committees have not investigated that area;

(ii) the investigation of that area by those committees has not been completed; or

(iii) new information not reviewed by the committees has become available with respect to that area.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission or such subcommittee or member considers to be advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this paragraph only—

(I) by the agreement of the Chairperson and the Vice Chairperson; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a subpoena issued under this paragraph—

(I) shall bear the signature of the Chairperson or any member designated by a majority of the Commission;

(II) and may be served by any person or class of persons designated by the Chairperson or by a member designated by a majority of the Commission for that purpose.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district

court for the district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(ii) JUDICIAL ACTION FOR NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(iii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 through 194).

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) COOPERATION.—Each Federal department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the Chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(C) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall be received, handled, stored, and disseminated only by members of the Commission and the staff of the Commission in accordance with all applicable laws (including regulations and Executive orders).

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the functions of the Commission.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as are determined to be advisable and authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property, including travel, for the direct advancement of the functions of the Commission.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) PUBLIC MEETINGS AND HEARINGS.—

(1) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(A) hold public hearings and meetings, to the extent appropriate; and

(B) release public versions of the reports required under paragraphs (1) and (2) of subsection (j).

(2) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of proprietary or sensitive information provided to or developed for or by the Commission as required by any applicable law (including a regulation or Executive order).

(g) STAFF OF COMMISSION.—

(1) IN GENERAL.—

(A) APPOINTMENT AND COMPENSATION.—

(i) IN GENERAL.—The Chairperson, in consultation with the Vice Chairperson and in accordance with rules agreed upon by the Commission, may, without regard to the civil service laws (including regulations), appoint and fix the compensation of a staff director and such other personnel as are necessary to enable the Commission to carry out the functions of the Commission.

(ii) MAXIMUM RATE OF PAY.—No rate of pay fixed under this subparagraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not apply to members of the Commission.

(2) DETAILEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(h) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(i) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—

(1) IN GENERAL.—Subject to paragraph (2), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances, to the maximum extent practicable, pursuant to existing procedures and requirements.

(2) PROPRIETARY INFORMATION.—No person shall be provided with access to proprietary information under this section without the appropriate security clearances.

(j) REPORTS OF COMMISSION; ADJOURNMENT.—

(1) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(2) FINAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(3) TEMPORARY ADJOURNMENT.—

(A) IN GENERAL.—The Commission, and all the authority provided under this section, shall adjourn and be suspended, respectively, on the date that is 60 days after the date on which the final report is submitted under paragraph (2).

(B) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subparagraph (A) for the purpose of concluding activities of the Commission, including—

(i) providing testimony to committees of Congress concerning reports of the Commission; and

(ii) disseminating the final report submitted under paragraph (2).

(C) RECONVENING OF COMMISSION.—The Commission shall stand adjourned until such time as the President or the Secretary of Homeland Security declares an oil spill of national significance to have occurred, at which time—

(i) the Commission shall reconvene in accordance with subsection (c)(3); and

(ii) the authority of the Commission under this section shall be of full force and effect.

(k) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $10,000,000 for the first fiscal year in which the Commission convenes; and

(B) $3,000,000 for each fiscal year thereafter in which the Commission convenes.

(2) AVAILABILITY.—Amounts made available to carry out this section shall be available—

(A) for transfer to the Commission for use in carrying out the functions and activities of the Commission under this section; and

(B) until the date on which the Commission adjourns for the fiscal year under subsection (j)(3).

(l) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 311. SAVINGS PROVISIONS.

(a) EXISTING LAW.—All regulations, rules, standards, determinations, contracts and agreements, memoranda of understanding, certifications, authorizations, appointments, delegations, results and findings of investigations, or any other actions issued, made, or taken by, or pursuant to or under, the authority of any law (including regulations) that resulted in the assignment of functions or activities to the Secretary, the Director of the Minerals Management Service (including by delegation from the Secretary), or the Department (as related to the implementation of the purposes referenced in this title) that were in effect on the date of enactment of this Act shall continue in full force and effect after the date of enactment of this Act

unless previously scheduled to expire or until otherwise modified or rescinded by this title or any other Act.

(b) EFFECT ON OTHER AUTHORITIES.—This title does not amend or alter the provisions of other applicable laws, unless otherwise noted.

TITLE IV—ENVIRONMENTAL CRIMES ENFORCEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Environmental Crimes Enforcement Act of 2010''.

SEC. 402. ENVIRONMENTAL CRIMES.

(a) SENTENCING GUIDELINES.—

(1) DIRECTIVE.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), in order to reflect the intent of Congress that penalties for the offenses be increased in comparison to those provided on the date of enactment of this Act under the guidelines and policy statements, and appropriately account for the actual harm to the public and the environment from the offenses.

(2) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under paragraph (1), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2Q1.2 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in paragraph (1);

(ii) the need for an effective deterrent and appropriate punishment to prevent the offenses; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider the extent to which the guidelines appropriately account for the actual harm to public and the environment resulting from the offenses;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to guidelines; and

(E) ensure that the guidelines relating to offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) adequately meet the purposes of sentencing, as set forth in section 3553(a)(2) of title 18, United States Code.

(b) RESTITUTION.—Section 3663A(c)(1) of title 18, United States Code, is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by striking ''and'' at the end and inserting ''or''; and

(3) by adding at the end the following:

''(iv) an offense under section 309(c) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)); and''.

TITLE V—FAIRNESS IN ADMIRALTY AND MARITIME LAW

SEC. 501. SHORT TITLE.

This title may be cited as the ''Fairness in Admiralty and Maritime Law Act''.

SEC. 502. REPEAL OF LIMITATION OF SHIPOWNERS' LIABILITY ACT OF 1851.

(a) IN GENERAL.—Chapter 305 of title 46, United States Code, is amended as follows:

(1) Subsection (a) of section 30505 is amended to read as follows:

''(a) IN GENERAL.—Except as provided in section 30506 of this title, the liability of the owner of a vessel for any claim, debt, or liability described in subsection (b) shall not exceed three times the value of the vessel and pending freight. If the vessel has more than one owner, the proportionate share of the liability of any one owner shall not exceed that owner's proportionate interest in the vessel and pending freight.''.

(2) Subsection (c) of section 30505 is amended to read as follows:

''(c) CLAIMS NOT SUBJECT TO LIMITATION.—Subsection (a) does not apply—

''(1) to a claim for wages; or

''(2) to a claim resulting from a discharge of oil from a vessel or offshore facility, as those terms are defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).''.

(3) Subsection (c) of section 30511 is amended to read as follows:

''(c) CESSATION OF OTHER ACTIONS.—At the time that an action is brought under this section and the owner has complied with subsection (b), all claims and proceedings against the owner related to the matter in question which are subject to limitation under section 30505 shall cease.''.

SEC. 503. ASSESSMENT OF PUNITIVE DAMAGES IN MARITIME LAW.

(a) IN GENERAL.—Chapter 301 of title 46, United States Code, is amended by adding at the end the following:

''§ 30107. Punitive damages

''In a civil action for damages arising out of a maritime tort, punitive damages may be assessed without regard to the amount of compensatory damages assessed in the action.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 301 of title 46, United States Code, is amended by adding at the end the following:

''30107. Punitive damages.''.

SEC. 504. AMENDMENTS TO THE DEATH ON THE HIGH SEAS ACT.

(a) IN GENERAL.—Chapter 303 of title 46, United States Code, is amended—

(1) by inserting ''or law'' after ''admiralty'' in section 30302;

(2) by inserting ''and nonpecuniary loss'' after ''pecuniary loss'' in section 30303;

(3) by striking ''sustained by'' and all that follows in section 30303 and inserting ''sustained, plus a fair compensation for the decedent's pain and suffering. In this section, the term 'nonpecuniary loss' means the loss of care, comfort, and companionship.'';

(4) by inserting ''or law'' after ''admiralty'' in section 30305; and

(5) by inserting ''or law'' after ''admiralty'' in section 30306.

(b) AVIATION ACCIDENTS.—

(1) IN GENERAL.—Section 30307 of title 46, United States Code, is amended—

(A) by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—

''(1) COMMERCIAL AVIATION; GENERAL AVIATION.—The terms 'commercial aviation' and 'general aviation' have the same meaning as those terms, respectively, as used in subtitle VII of title 49, United States Code.

''(2) NONPECUNIARY DAMAGES.—The term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.'';

(B) by inserting ''or general aviation'' after ''commercial aviation'' in subsections (b) and (c); and

(C) by adding at the end thereof the following:

''(d) PROCEDURE.—Notwithstanding sections 30302, 30305, and 30306, an action to which this section applies may be brought in admiralty and may not be brought in law.''.

(2) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—Section 30307 of title 46, United States Code, is amended by striking the section heading and inserting ''**Aviation accidents**''.

(B) CLERICAL AMENDMENT.—The table of contents for chapter 303 of title 46, United States Code, is amended by striking the item relating to section 30307 and inserting the following:

''30307. Aviation accidents.''.

(c) APPLICATION TO FISHING VESSELS.—

(1) IN GENERAL.—None of the amendments made by this section shall apply with respect to a fishing vessel.

(2) FISHING VESSEL DEFINED.—In this subsection, the term ''fishing vessel'' means—

(A) a vessel, boat, ship, or other watercraft that is used for, equipped to be used for, or of a type normally used for—

(i) charter fishing (as defined in section 3(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(3)));

(ii) commercial fishing (as defined in section 3(4) of such Act (16 U.S.C. 1802(4))); or

(iii) aiding or assisting one or more vessels at sea in the performance of any activity relating to commercial fishing (as so defined), including preparation, supply, storage, refrigeration, transportation, or processing; but

(B) does not include a passenger vessel (as defined in section 2101(22) of title 46, United States Code).

SEC. 505. EFFECTIVE DATE.

This title and the amendments made by this title shall apply to—

(1) causes of action and claims arising after April 19, 2010; and

(2) actions commenced before the date of enactment of this Act that have not been finally adjudicated, including appellate review, as of that date.

TITLE VI—SECURING HEALTH FOR OCEAN RESOURCES AND ENVIRONMENT (SHORE)

SEC. 601. SHORT TITLE.

This title may be cited as the ''Securing Health for Ocean Resources and Environment Act'' or the ''SHORE Act''.

Subtitle A—National Oceanic and Atmospheric Administration Oil Spill Response, Containment, and Prevention

SEC. 611. IMPROVEMENTS TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OIL SPILL RESPONSE, CONTAINMENT, AND PREVENTION.

(a) REVIEW OF ABILITY OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO RESPOND TO OIL SPILLS.—

(1) COMPREHENSIVE REVIEW REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall conduct a comprehensive review of the current capacity of the National Oceanic and Atmospheric Administration to respond to oil spills.

(2) ELEMENTS.—The review conducted under paragraph (1) shall include the following:

(A) A comparison of oil spill modeling requirements with the state-of-the-art oil spill modeling with respect to near shore and offshore areas.

(B) Development of recommendations on priorities for improving forecasting of oil spill, trajectories, and impacts.

(C) An inventory of the products and tools of the National Oceanic and Atmospheric Administration that can aid in assessment of the potential risk and impacts of oil spills. Such products and tools may include environmental sensitivity index maps, the United States Integrated Ocean Observing System, and regional information coordinating entities established as part of such System, and oil spill trajectory models.

(D) An identification of the baseline oceanographic and climate data required to support state of the art modeling.

(E) An assessment of the Administration's ability to respond to the effects of an oil spill on its trust resources, including—

(i) marine sanctuaries, monuments, and other protected areas;

(ii) marine mammals, sea turtles, and other protected species, and efforts to rehabilitate such species.

(3) REPORT.—Upon completion of the review required by paragraph (1), the Under Secretary shall submit to Congress a report on such review, including the findings of the Under Secretary with respect to such review.

(b) OIL SPILL TRAJECTORY MODELING.—

(1) IN GENERAL.—The Under Secretary for Oceans and Atmosphere and the Secretary of the Interior shall be responsible for developing and maintaining oil spill trajectory modeling capabilities to aid oil spill response and natural resource damage assessment, including taking such actions as may be required by subsections (c) through (g).

(2) REAL-TIME TRAJECTORY MODELING.—The Under Secretary shall have primary responsibility for real-time trajectory modeling.

(3) LONG-TERM TRAJECTORY MODELING.—The Secretary of the Interior shall have primary responsibility for long-term trajectory modeling.

(4) COORDINATION WITH NATIONAL LABORATORIES.—In carrying out this subsection, the Under Secretary and the Secretary of the Interior shall coordinate with National Laboratories with established oil spill modeling expertise.

(c) ENVIRONMENTAL SENSITIVITY INDEX.—

(1) UPDATE.—Beginning not later than 180 days after the date of the enactment of this Act and not less frequently than once every 7 years thereafter, the Under Secretary shall update the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the United States and for each offshore area of the United States that is leased or under consideration for leasing for offshore energy production.

(2) EXPANDED COVERAGE.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall, to the maximum extent practicable, create an environmental sensitivity index product for each area described in paragraph (1) for which the National Oceanic and Atmospheric Administration did not have an environmental sensitivity index product on the day before the date of the enactment of this Act.

(3) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this subsection, the term ''environmental sensitivity index product'' means a map or similar tool that is utilized to identify sensitive shoreline, coastal or offshore, resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(4) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed to alter or limit the authority or responsibility of the Secretary of the Interior provided by this or any other Act.

(d) SUBSEA HYDROCARBON REVIEW AND PROGRAM.—

(1) REVIEW REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of the Interior, conduct a comprehensive review of the current state of the National Oceanic and Atmospheric Administration to observe, monitor, map, and track subsea hydrocarbons, including a review of the effect of subsea hydrocarbons and dispersants at varying concentrations on living marine resources.

(2) ELEMENTS OF REVIEW.—The review conducted under paragraph (1) shall include the following:

(A) A review of protocol for the application of dispersants that contemplates the variables of temperature, pressure, and depth of the site of release of hydrocarbons.

(B) A review of technological capabilities to detect the presence of subsea hydrocarbons at various concentrations and at various depths within a water column resulting from releases of oil and natural gas after a spill.

(C) A review of technological capabilities for expeditiously identifying the source (''fingerprinting'') of subsea hydrocarbons.

(D) A review of coastal and ocean current modeling as it relates to predicting the trajectory of oil and natural gas.

(E) A review of the effect of varying concentrations of hydrocarbons on all levels of the food web, including evaluations of seafood safety, toxicity to individuals, negative impacts to reproduction, bioaccumulation, growth, and such other matters as the Under Secretary and the Administrator think appropriate.

(F) Development of recommendations on priorities for improving forecasting of movement of subsea hydrocarbon.

(G) Development of recommendations for implementation of a Subsea Hydrocarbon Monitoring and Assessment program within the Office of Response and Restoration.

(3) PROGRAM REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Interior, establish a hydrocarbon monitoring and assessment program that is based on the recommendations developed under the comprehensive review required by paragraph (1).

(e) NATIONAL INFORMATION CENTER ON OIL SPILLS.—The Under Secretary shall, in cooperation with the Interagency Coordinating Committee on Oil Pollution Research, establish a national information center on oil spills that—

(1) includes scientific information and research on oil spill preparedness, response, and restoration;

(2) serves as a single access point for emergency responders for such scientific data;

(3) provides outreach and utilizes communication mechanisms to inform partners, the public, and local communities about the availability of oil spill preparedness, prevention, response, and restoration information and services and otherwise improves public understanding and minimizes impacts of oil spills; and

(4) applies the data interoperability standards developed by the Integrated Coastal Ocean Observation System [to all for free and open access to all relevant Federal and non-Federal data using, to the extent practicable, the existing infrastructure of the regional information coordinating entities developed as part of the Integrated Coastal Ocean Observing System as a portal for accessing non-federal data].

(f) INITIATIVE ON OIL SPILLS FROM AGING AND ABANDONED OIL INFRASTRUCTURE.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall establish an initiative—

(1) to determine the significance, response, frequency, size, potential fate, and potential effects, including those on sensitive habitats, of oil spills resulting from aging and abandoned oil infrastructure; and

(2) to formulate recommendations on how best to address such spills.

(g) INVENTORY OF OFFSHORE ABANDONED OR SUNKEN VESSELS.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall, in consultation with the Secretary of the Interior, develop an inventory of offshore abandoned or sunken vessels in the exclusive economic zone of the United States and identify priorities (based on amount of oil, feasibility of oil recovery, fate and effects of oil if released, and cost-benefit of preemptive action) for potential preemptive removal of oil or other actions that may be effective to mitigate the risk of oil spills from offshore abandoned or sunken vessels.

(h) QUINQUENNIAL REPORT ON ECOLOGICAL BASELINES, IMPORTANT ECOLOGICAL AREAS, AND ECONOMIC RISKS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, and not less frequently than once every 5 years thereafter, the Under Secretary shall submit to Congress a report that, with respect to regions that are leased or are under consideration for leasing for offshore energy production—

(A) characterizes ecological baselines;

(B) identifies important ecological areas, critical habitats, and migratory behaviors; and

(C) identifies potential risks posed by hydrocarbon development to these resources.

(2) IMPORTANT ECOLOGICAL AREA DEFINED.—In this subsection, the term ''important ecological area'' means an area that contributes significantly to marine ecosystem health.

(3) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed to alter or limit the authority and responsibility of the Secretary of the Interior provided by this or any other Act.

SEC. 612. USE OF OIL SPILL LIABILITY TRUST FUND FOR PREPAREDNESS, RESPONSE, DAMAGE ASSESSMENT, AND RESTORATION.

Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B)(i) not more than $5,000,000 in each fiscal year shall be available to the Under Secretary for Oceans and Atmosphere and the Assistant Secretary of the Interior for Fish and Wildlife and Parks without further appropriation for expenses incurred by, and activities related to, preparedness, response, restoration, and damage assessment capabilities of the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and other relevant agencies; and

''(ii) in a fiscal year in which an oil spill of national significance occurs, not more than $25 million shall be available to Federal trustees designated by the President pursuant to section 1006 (b)(2);''.

SEC. 613. INVESTMENT OF AMOUNTS IN DAMAGE ASSESSMENT AND RESTORATION REVOLVING FUND IN INTEREST-BEARING OBLIGATIONS.

The Secretary of the Treasury shall invest such a portion of the amounts in the Damage Assessment and Restoration Revolving Fund described in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1991 (33 U.S.C. 2706 note) as is not required to meet current withdrawals, as determined by the Secretary, in interest-bearing obligations of the United States in accordance with section 9602 of the Internal Revenue Code of 1986.

SEC. 614. STRENGTHENING COASTAL STATE OIL SPILL PLANNING AND RESPONSE.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended adding at the end the following new section:

''SEC. 320. STRENGTHENING COASTAL STATE OIL SPILL RESPONSE AND PLANNING.

''(a) GRANTS TO STATES.—The Secretary may make grants to eligible coastal states—

''(1) to revise management programs approved under section 306 and National Estuarine Research Reserves approved under section 315 to identify and implement new enforceable policies and procedures to ensure sufficient response capabilities at the State level to address the environmental, economic and social impacts of oil spills or other accidents resulting from Outer Continental Shelf energy activities with the potential to affect and land or water use or natural resource of the coastal zone;

''(2) to undertake regionally based coastal and marine spatial planning that would assist in data collection, oil spill preparedness activities, and energy facility siting; and

''(3) to review and revise where necessary applicable enforceable policies within approved coastal State management programs affecting coastal energy activities and energy to ensure that these policies are consistent with—

''(A) other emergency response plans and policies developed under Federal or State law; and

''(B) new policies and procedures developed under paragraph (1).

''(b) ELEMENTS.—New enforceable policies and procedures developed by coastal states with grants awarded under this section shall be coordinated with Area Contingency Plans developed pursuant to section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) and shall consider, but not be limited to—

''(1) other existing emergency response plans, procedures and enforceable policies developed under other Federal or State law that affect the coastal zone;

''(2) identification of critical infrastructure essential to facilitate spill or accident response activities;

''(3) identification of coordination, logistics and communication networks between Federal and State government agencies, and between State agencies and affected local communities, to ensure the efficient and timely dissemination of data and other information;

''(4) inventories of shore locations and infrastructure and equipment necessary to respond to oil spills or other accidents resulting from Outer Continental Shelf energy activities;

''(5) identification and characterization of significant or sensitive marine ecosystems or other areas possessing important conservation, recreational, ecological, historic, or aesthetic values;

''(6) inventories and surveys of shore locations and infrastructure capable of supporting alternative energy development;

''(7) observing capabilities necessary to assess ocean conditions before, during, and after an oil spill; and

''(8) other information or actions as may be necessary.

''(c) GUIDELINES.—The Secretary shall, within 180 days after the date of enactment of this section and after consultation with the Administrator of the Environmental Protection Agency, the Commandant of the Coast Guard, and the coastal states, publish guidelines for the application for and use of grants under this section.

''(d) PARTICIPATION.—Coastal states shall provide opportunity for public participation in developing new enforceable policies and procedures under this section pursuant to subsections (d)(1) of (e) of section 306, especially by relevant Federal agencies, relevant Area Committees established pursuant to section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)), other coastal state agencies, local governments, regional organizations, port authorities, and other interested parties and stakeholders, public and private, that are related to, or affected by Outer Continental Shelf energy activities.

''(e) ANNUAL GRANTS.—

''(1) IN GENERAL.—For each of fiscal years 2011 through 2015, the Secretary may make a grant to a coastal state to develop new enforceable policies and procedures as required under this section.

''(2) GRANT AMOUNTS AND LIMIT ON AWARDS.—The amount of any grant to any one coastal state under this section shall not exceed $750,000 for any fiscal year.

''(3) NO STATE MATCHING CONTRIBUTION REQUIRED.—A coastal state shall not be required to contribute any portion of the cost of a grant awarded under this section.

''(4) SECRETARIAL REVIEW AND LIMIT ON AWARDS.—After an initial grant is made to a coastal state under this section, no subsequent grant may be made to that coastal state under this section unless the Secretary finds that the coastal state is satisfactorily developing revisions to address offshore energy impacts. No coastal state is eligible to receive grants under this section for more than 2 fiscal years.

''(f) APPLICABILITY.—The requirements of this section shall only apply if appropriations are provided to the Secretary to make grants under this section to enable States to develop new or revised enforceable policies and procedures. Further, this section shall not be construed to convey any new authority to any coastal state, or repeal or supersede any existing authority of any coastal state, to regulate the siting, licensing, leasing, or permitting of alternative energy facilities in areas of the Outer Continental Shelf under the administration of the Federal Government. Nothing in this section repeals or supersedes any existing coastal state authority.

''(g) ASSISTANCE BY THE SECRETARY.—The Secretary shall, as authorized under section 310(a) and to the extent practicable, make available to coastal states the resources and capabilities of the National Oceanic and Atmospheric Administration to provide technical assistance to the coastal states to prepare revisions to approved management programs to meet the requirements under this section.''.

SEC. 615. GULF OF MEXICO LONG-TERM MARINE ENVIRONMENTAL MONITORING AND RESEARCH PROGRAM.

(a) ENVIRONMENTAL MONITORING AND RESEARCH PROGRAM REQUIRED.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act and subject to the availability of appropriations or other sources of funding, the Secretaries and the Administrator shall jointly establish and carry out a long-term marine environmental monitoring and research program for the marine and coastal environment of the Gulf of Mexico to ensure that the Federal Government has independent, peer-reviewed scientific data and information to assess long-term direct and indirect impacts on trust resources located in the Gulf of Mexico and Southeast region resulting from the oil spill caused by the mobile offshore drilling unit Deepwater Horizon.

(2) PERIOD OF PROGRAM.—The Secretaries and the Administrator shall carry out the program required by paragraph (1) during the 10-year period beginning on the date of the commencement of the program. The Secretaries and the Administrator may extend such period upon a determination by the Secretaries and the Administrator that additional monitoring and research is warranted.

(b) SCOPE OF PROGRAM.—The program established under subsection (a) shall include the following:

(1) Monitoring and research of the physical, chemical, and biological characteristics of the affected marine, coastal, and estuarine areas of the Gulf of Mexico and other regions of the exclusive economic zone of the United States and adjacent regions affected by the oil spill caused by the mobile offshore drilling unit Deepwater Horizon.

(2) The fate, transport, and persistence of oil released during the spill and spatial distribution throughout the water column, including in-situ burn residues.

(3) The fate, transport, and persistence of chemical dispersants applied in-situ or on surface waters.

(4) Identification of lethal and sub-lethal impacts to shellfish, fish, and wildlife resources that utilize habitats located within the affected region.

(5) Impacts to regional, State, and local economies that depend on the natural resources of the affected area, including commercial and recreational fisheries, tourism, and other wildlife-dependent recreation.

(6) The development of criteria for the protection of marine aquatic life.

(7) Other elements considered necessary by the Secretaries and the Administrator to ensure a comprehensive marine research and monitoring program to comprehend and understand the implications to trust resources caused by the oil spill from the mobile offshore drilling unit *Deepwater Horizon*.

(c) COOPERATION AND CONSULTATION.—In developing the research and monitoring program established under subsection (a), the Secretaries and the Administrator shall consult with—

(1) the National Ocean Research Leadership Council established under section 7902 of title 10, United States Code;

(2) such representatives from the Gulf coast States and affected countries as the Secretary considers appropriate;

(3) academic institutions and other research organizations;

(4) regional information coordination entities; and

(5) such other experts with expertise in long-term environmental monitoring and research of the marine environment as the Secretary considers appropriate.

(d) AVAILABILITY OF DATA.—Upon review by and approval of the Attorney General regarding impacts on legal claims or litigation involving the United States, data and information generated through the program established under subsection (a) shall be managed and archived according to the standards developed under section 12304 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603) to ensure that it is accessible and available to governmental and non-governmental personnel and to the general public for their use and information.

(e) REPORT.—Not later than 1 year after the date of the commencement of the program under subsection (a) and biennially thereafter, the Secretaries and the Administrator shall jointly submit to Congress a comprehensive report—

(1) summarizing the activities and findings of the program; and

(2) detailing areas and issues requiring future monitoring and research.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) GULF COAST STATE.—The term ''Gulf coast State'' means each of the States of Texas, Louisiana, Mississippi, Alabama, and Florida.

(3) SECRETARIES.—The term ''Secretaries'' means the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, and the Secretary of the Interior.

(4) TRUST RESOURCES.—The term ''trust resources'' means the living and non-living natural resources belonging to, managed by,

held in trust by, appertaining to, or otherwise controlled by the United States, any State, an Indian Tribe, or a local government.

SEC. 616. ARCTIC RESEARCH AND ACTION TO CONDUCT OIL SPILL PREVENTION.

(a) IN GENERAL.—The Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere and in collaboration with the heads of other agencies or departments of the United States with appropriate Arctic science expertise, direct research and take action to improve the ability of the United States to conduct oil spill prevention, response, and recovery in Arctic waters.

(b) INCLUSIONS.—Research and action under this section shall include the prioritization of resources—

(1) to address—

(A) ecological baselines and environmental sensitivity indexes, including stock assessments of marine mammals and other protected species in the Arctic;

(B) identification of ecological important areas, sensitive habitats, and migratory behaviors;

(C) the development of oil spill trajectory models in Arctic marine conditions;

(D) the collection of observational data essential for response strategies in the event of an oil spill during both open water and ice-covered seasons, including data relating to oil spill trajectory models that include data on—

(i) currents;

(ii) winds;

(iii) weather;

(iv) waves; and

(v) ice forecasting;

(E) the development of a robust operational monitoring program during the open water and ice-covered seasons;

(F) improvements in technologies and understanding of cold water oil recovery planning and restoration implementation; and

(G) the integration of local and traditional knowledge into oil recovery research studies; and

(2) to establish a robust geospatial framework for safe navigation and oil spill response through increased—

(A) hydrographic and bathymetric surveying, mapping, and navigational charting;

(B) geodetic positioning; and

(C) monitoring of tides, sea levels, and currents in the Arctic.

Subtitle B—Improving Coast Guard Response and Inspection Capacity

SEC. 621. SECRETARY DEFINED.

In this subtitle, except as otherwise specifically provided, the term ''Secretary'' means the Secretary of the Secretary of the Department in which the Coast Guard is operating.

SEC. 622. ARCTIC MARITIME READINESS AND OIL SPILL PREVENTION.

(a) IN GENERAL.—The Commandant of the Coast Guard shall assess and take action to reduce the risk and improve the capability of the United States to respond to a maritime disaster in the United States Beaufort and Chukchi Seas.

(b) MATTERS TO BE ADDRESSED.—The assessment and actions referred to in subsection (a) shall include the prioritization of resources to address the following:

(1) Oil spill prevention and response capabilities and infrastructure.

(2) The coordination of contingency plans and agreements with other agencies and departments of the United States, industry, and foreign governments to respond to an Arctic oil spill.

(3) The expansion of search and rescue capabilities, infrastructure, and logistics, including improvements of the Search and Rescue Optimal Planning System.

(4) The provisional designation of places of refuge.

(5) The evaluation and enhancement of navigational infrastructure.

(6) The evaluation and enhancement of vessel monitoring, tracking, and automated identification systems and navigational aids and communications infrastructure for safe navigation and marine accident prevention in the Arctic.

(7) Shipping traffic risk assessments for the Bering Strait and the Chukchi and Beaufort Seas.

(8) The integration of local and traditional knowledge and concerns into prevention and response strategies.

SEC. 623. ADVANCE PLANNING AND PROMPT DECISION MAKING IN CLOSING AND REOPENING FISHING GROUNDS.

(a) REQUIREMENT THAT AREA CONTINGENCY PLANS CONTAIN AREA-SPECIFIC PROTOCOLS AND STANDARDS.—

(1) COOPERATION WITH STATE AND LOCAL OFFICIALS.—Section 311(j)(4)(B)(ii) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(B)(ii)) is amended by striking the semicolon after ''wildlife'' and inserting a comma and ''including advance planning with respect to the closing and reopening of fishing grounds following an oil spill;''.

(2) FRAMEWORK.—Section 311(j)(4)(C) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(C)) is amended—

(A) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(B) by inserting after clause (vi) the following:

''(vii) develop a framework for advance planning and decision making with respect to the closing and reopening of fishing grounds following an oil spill, including protocols and standards for the closing and reopening of fishing areas;''.

(b) NATIONAL GUIDANCE.—Section 311(j)(4)(D) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(D)) is amended—

(1) in clause (i) by striking ''and'' at the end;

(2) in clause (ii) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) acting through the Commandant of the Coast Guard and in consultation with the Under Secretary for Oceans and Atmosphere and any other government entities deemed appropriate, issue guidance for Area Committees to use in developing a framework for advance planning and decision making with respect to the closing and reopening of fishing grounds following an oil spill, which guidance shall include model protocols and standards for the closing and reopening of fishing areas.''.

(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed as changing or affecting in any way the authorities or responsibilities of the Under Secretary for Oceans and Atmosphere under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 624. OIL SPILL TECHNOLOGY EVALUATION.

(a) IN GENERAL.—The Secretary and the Secretary of the Interior (in this section referred to as the ''Secretaries'') and the Administrator of the Environmental Protection Agency (in this section referred to as the ''Administrator'') shall establish a program for the formal evaluation and validation of oil pollution containment and removal methods and technologies.

(b) APPROVAL.—The program required by subsection (a) shall establish a process for new methods and technologies to be submitted, evaluated, and gain validation for use in spill responses and inclusion in response plans. Following each validation, the Secretaries and the Administrator shall consider whether the method or technology meets a performance capability warranting designation of a new standard for best available technology or methods. Any such new standard shall be incorporated into each update of a response plan submitted pursuant to section 311(j)(5)(E)(vii) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)), as amended by section 104(b)(3) of this Act.

(c) TECHNOLOGY CLEARINGHOUSE.—All technologies and methods validated under this section shall be included in the comprehensive list of spill removal resources maintained by the Coast Guard through the National Response Unit.

(d) CONSULTATION.—The Secretaries and the Administrator shall consult with the Under Secretary for Oceans and Atmosphere and the Secretary of Transportation in carrying out this section.

SEC. 625. COAST GUARD INSPECTIONS.

(a) IN GENERAL.—The Secretary shall increase the frequency and comprehensiveness of safety inspections of all United States and foreign-flag tank vessels that enter a United States port or place, including increasing the frequency and comprehensiveness of inspections of vessel age, hull configuration, and past violations of any applicable discharge and safety regulations under United States and international law that may indicate that the class societies inspecting such vessels may be substandard, and other factors relevant to the potential risk of an oil spill.

(b) ENHANCED VERIFICATION OF STRUCTURAL CONDITION.—The Secretary shall adopt, as part of the Secretary's inspection requirements for tank vessels, additional procedures for enhancing the verification of the reported structural condition of such vessels, taking into account the Condition Assessment Scheme adopted by the International Maritime Organization by Resolution 94(46) on April 27, 2001.

SEC. 626. CERTIFICATE OF INSPECTION REQUIREMENTS.

(a) IN GENERAL.—Chapter 33 of title 46, United States Code, is amended—

(1) in section 3301, by adding at the end the following:

''(16) vessels and other structures, fixed or floating, including those which dynamically hold position or are attached to the seabed or subsoil, which are capable of exploring for, drilling for, developing, or producing oil or gas.''; and

(2) in section 3305(a)(1)—

(A) by amending subparagraph (E) to read as follows:

''(E) is in a condition to be operated with safety to life and property, including, for the entities described in paragraph (16) of section 3301, those systems specified in regulations required by paragraph (3);'';

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding the following:

''(G) for vessels and other structures described in paragraph (16) of section 3301, complies with the highest relevant classification, certification, rating, and inspection standards for vessels or structures of the same age and type imposed by—

''(i) the American Bureau of Shipping; or

''(ii) another classification society approved by the Secretary and the Secretary of the Interior as meeting acceptable standards for such a society, except that the classification of vessels or structures under this section by a foreign classification society may be accepted by the Secretary and the Secretary of the Interior only—

''(I) to the extent that the government of the foreign country in which the society is headquartered accepts classification by the

American Bureau of Shipping of vessels and structures used in the offshore exploration, development, and production of oil and gas in that country; and

''(II) if the foreign classification society has offices and maintains records in the United States.''.

(b) REGULATIONS.—

(1) REQUIREMENT FOR REGULATIONS.—Notwithstanding section 3306 of title 46, United States Code, in implementing section 3305 of such title, as amended by subsection (a), the Secretary and the Secretary of the Interior shall jointly issue regulations specifying which systems of the vessels or structures described in paragraph (16) of section 3301 of such title, as added by subsection (a)(1), shall be subject to such requirements. At a minimum, such systems shall include—

(A) mobile offshore drilling units;

(B) fixed and floating drilling facilities; and

(C) risers and blowout preventers.

(2) EXCEPTIONS.—The Secretary and the Secretary of the Interior may waive the standards established by the regulations required by paragraph (1) for a system of an existing vessel or structure if—

(A) such system is of an age or type for which meeting such requirements is impractical; and

(B) such system poses an acceptably low level of risk to the environment and to human safety.

(3) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed to alter or limit the authority and responsibility of the Secretary or the Secretary of the Interior provided by this or any other Act. The regulations required by paragraph (1) shall be supplemental to any other regulation issued by the Secretary or the Secretary of the Interior under any other provisions of law.

SEC. 627. NAVIGATIONAL MEASURES FOR PROTECTION OF NATURAL RESOURCES.

(a) DESIGNATION OF AT-RISK AREAS.—The Commandant of the Coast Guard, in consultation the Under Secretary for Oceans and Atmosphere, shall identify areas in waters subject to the jurisdiction of the United States in which routing or other navigational measures are warranted to reduce the risk of oil spills and potential damage to natural resources. In identifying such areas, the Commandant shall give priority consideration to natural resources of particular ecological importance or economic importance, including—

(1) commercial fisheries;

(2) aquaculture facilities;

(3) marine sanctuaries designated by the Secretary of Commerce pursuant to the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.);

(4) estuaries of national significance designated under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(5) critical habitat, as defined in section 3(5) of the Endangered Species Act of 1973 (16 U.S.C. 1532(5));

(6) estuarine research reserves within the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461); and

(7) national parks and national seashores administered by the National Park Service under the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) FACTORS CONSIDERED.—In determining whether navigational measures are warranted for an area under subsection (a), the Commandant and the Under Secretary for Oceans and Atmosphere shall consider, at a minimum—

(1) the frequency of transits of vessels which are required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j));

(2) the type and quantity of oil transported as cargo or fuel;

(3) the expected benefits of routing measures in reducing risks of spills;

(4) the costs of such measures;

(5) the safety implications of such measures; and

(6) the nature and value of the resources to be protected by such measures.

(c) ESTABLISHMENT OF ROUTING AND OTHER NAVIGATIONAL MEASURES.—The Commandant shall establish such routing or other navigational measures for areas identified under subsection (a).

(d) ESTABLISHMENT OF AREAS TO BE AVOIDED.—To the extent that the Commandant and the Under Secretary for Oceans and Atmosphere identify areas in which navigational measures are warranted for an area under subsection (a), the Secretary and the Under Secretary shall seek to establish such areas through the International Maritime Organization or establish comparable areas pursuant to regulations and in a manner that is consistent with international law.

(e) OIL SHIPMENT DATA AND REPORT.—

(1) DATA COLLECTION.—The Commandant of the Coast Guard, in consultation with the Chief of Engineers, shall analyze data on oil transported as cargo on vessels in the navigable waters of the United States, including information on—

(A) the quantity and type of oil being transported;

(B) the vessels used for such transportation;

(C) the frequency with which each type of oil is being transported; and

(D) the point of origin, transit route, and destination of each such shipment of oil.

(2) QUARTERLY REPORT.—

(A) REQUIREMENT FOR QUARTERLY REPORT.—The Secretary shall, not less frequently than once each calendar quarter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the data collected and analyzed under paragraph (1).

(B) FORMAT.—Each report submitted under subparagraph (A) shall be submitted in a format that does not disclose information exempted from disclosure.

SEC. 628. NOTICE TO STATES OF BULK OIL TRANSFERS.

(a) IN GENERAL.—A State may, by law, require a person to provide notice of 24 hours or more to the State and to the Coast Guard prior to transferring oil in bulk as cargo in an amount equivalent to 250 barrels or more to, from, or within a vessel in State waters.

(b) COAST GUARD ASSISTANCE.—The Commandant of the Coast Guard may assist a State in developing appropriate methodologies for joint Federal and State notification of an oil transfer described in subsection (a) to minimize any potential burden to vessels.

SEC. 629. GULF OF MEXICO REGIONAL CITIZENS' ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this Act, the President shall establish a Gulf of Mexico Regional Citizens' Advisory Council (hereinafter in this section referred to as the ''Council'').

(b) GOAL.—The goal of the Council shall be to foster more effective engagement by interested stakeholders and local communities in providing relevant Federal agencies and the energy industry with advice on energy, safety, health, maritime, national defense, and environmental aspects of offshore energy and minerals production in the Gulf of Mexico.

(c) PARTICIPATION.—In establishing the Council, the President shall provide for the appropriate participation by relevant stakeholders located in the coastal areas of the Gulf of Mexico, including—

(1) the commercial fin, shellfish, and charter fishing industries;

(2) the tourism, hotel, and restaurant industries;

(3) socially vulnerable communities, including both indigenous and non-indigenous communities;

(4) marine and coastal conservation entities;

(5) incorporated and unincorporated municipalities; and

(6) other appropriate entities.

(d) CONSIDERATION.—In establishing the Council, the President shall take into account the experience of Federal government and industry in working with the Prince William Sound Regional Citizens' Advisory Council to promote the environmentally safe operation of the Alyeska Pipeline marine terminal in Valdez, Alaska, and the oil tankers that use it.

(e) REPORT TO CONGRESS PRIOR TO ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a plan for the appointment and operation of the Council. The report shall include a description of—

(1) the legal form proposed for the Council;

(2) the duties proposed for the Council;

(3) the manner in which the work of the Council would relate to—

(A) the execution by relevant Federal agencies of their respective statutory authorities; and

(B) the activities of the energy industry;

(4) the manner in which the appointments would be made to the Council to ensure balanced representation of all relevant stakeholders with respect to the goal of the Council;

(5) the manner in which advice and recommendations from the Council would be treated by the relevant Federal agencies and the energy industry;

(6) provisions relating to conflict of interest and protection of sensitive or confidential information that may be shared with the Council; and

(7) the manner in which the activities of the Council would be financially supported.

(f) ANNUAL REPORTS.—The President shall require that an annual report be submitted to Congress on the activities of the Council.

SEC. 630. VESSEL LIABILITY.

(a) IN GENERAL.—Section 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amended by striking paragraph (1) and inserting the following:

''(1) for a vessel that is—

''(A) a tank ship that is a single-hull vessel, including a single hull vessel fitted with double sides only or a double bottom only, $3,300 per gross ton or $93,600,000, whichever is greater;

''(B) a tank ship that is a double-hull vessel, $1,900 per gross ton or $16,000,000, whichever is greater;

''(C) a tank barge that is a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only, $7,000 per gross ton or $29,100,000, whichever is greater; or

''(D) a tank barge that is a double-hull vessel, $7,000 per gross ton or $10,000,000, whichever is greater;''.

(b) DEFINITIONS.—Section 1001(34) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(34)) is amended—

(1) by redesignating subparagraphs (A),(B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by striking '' 'tank vessel' means'' and inserting ''(A) 'tank vessel' means''; and

(3) by inserting at the end the following:

''(B) 'tank barge' means a non-self-propelled tank vessel; and

''(C) 'tank ship' means a self-propelled tank vessel;''.

SEC. 631. PROMPT INTERGOVERNMENTAL NOTICE OF MARINE CASUALTIES.

Section 6101 of title 46, United States Code, is amended by adding at the end the following:

''(j) NOTICE TO STATES AND TRIBAL GOVERNMENTS.—

''(1) REQUIREMENT TO NOTIFY.—Not later than 1 hour after receiving a report of a marine casualty under this section, the Secretary shall forward the report to each appropriate State agency and tribal government of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) that has jurisdiction concurrent with the United States or adjacent to waters in which the marine casualty occurred.

''(2) APPROPRIATE STATE AGENCY.—Each State shall identify for the Secretary the appropriate State agency to receive a report under paragraph (1). Such agency shall be responsible for forwarding appropriate information related to such report to local and tribal governments within the State.''.

SEC. 632. PROMPT PUBLICATION OF OIL SPILL INFORMATION.

(a) IN GENERAL.—In any response to an oil spill in which the Commandant of the Coast Guard serves as the Federal On-Scene Coordinator leading a Unified Command, the Commandant, on a publicly accessible website, shall publish all written Incident Action Plans prepared and approved as a part of the response to such oil spill.

(b) TIMELINESS AND DURATION.—The Commandant shall—

(1) publish each Incident Action Plan pursuant to subsection (a) promptly after such Plan is approved for implementation by the Unified Command, and in no event later than 12 hours into the operational period for which such Plan is prepared; and

(2) ensure that such plan remains remain publicly accessible by website for the duration of the response to oil spill.

(c) REDACTION OF PERSONAL INFORMATION.—The Commandant may redact information from an Incident Action Plans published pursuant to subsection (a) to the extent necessary to comply with applicable privacy laws and other requirements regarding personal information.

SEC. 633. LEAVE RETENTION AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

''§ 426. Emergency leave retention authority

''(a) IN GENERAL.—A duty assignment for an active duty member of the Coast Guard in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or in response to a spill of national significance shall be treated, for the purpose of section 701(f)(2) of title 10, as a duty assignment in support of a contingency operation.

''(b) DEFINITIONS.—In this section:

''(1) DISCHARGE.—The term 'discharge' has the meaning given that term in section 1001(7) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(7)).

''(2) SPILL OF NATIONAL SIGNIFICANCE.—The term 'spill of national significance' means a discharge of oil or a hazardous substance that is declared by the Commandant to be a spill of national significance.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following:

''426. Emergency leave retention authority.''.

TITLE VII—CATASTROPHIC INCIDENT PLANNING

SEC. 701. CATASTROPHIC INCIDENT PLANNING.

(a) CATASTROPHIC INCIDENT PLANNING INITIATIVE.—Chapter 1 of subtitle C of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741 et seq.) is amended by adding at the end the following:

''SEC. 655. CATASTROPHIC INCIDENT PLANNING.

''(a) DEFINITIONS.—In this section—

''(1) the term 'catastrophic incident plan' means a plan to prevent, prepare for, protect against, respond to, and recover from catastrophic incidents;

''(2) the term 'critical infrastructure' has the meaning given that term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)); and

''(3) the term 'National Response Framework' means the successor document to the National Response Plan issued in January 2008, or any other successor plan prepared under section 504(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)(6)).

''(b) COORDINATED PLANNING.—

''(1) IN GENERAL.—The President shall ensure that there is a coordinated system of catastrophic incident plans throughout the Federal Government.

''(2) IMPLEMENTATION.—In carrying out paragraph (1), the President shall—

''(A) identify risks of catastrophic incidents, including across all critical infrastructure sectors;

''(B) prioritize risks of catastrophic incidents to determine for which risks the development of catastrophic incident plans is most necessary or likely to be most beneficial;

''(C) ensure that Federal agencies coordinate to develop comprehensive and effective catastrophic incident plans to address prioritized catastrophic risks; and

''(D) review catastrophic incident plans developed by Federal agencies to ensure the effectiveness of the plans, including assessing whether—

''(i) the assumptions underlying the catastrophic incident plans are realistic;

''(ii) the resources identified to implement the catastrophic incident plans are adequate, including that the catastrophic incident plans address the need for surge capacity;

''(iii) exercises designed to evaluate the catastrophic incident plans are adequate;

''(iv) the catastrophic incident plans incorporate lessons learned from other catastrophic incidents, include those in other countries, where appropriate;

''(v) the catastrophic incident plans appropriately account for new events and situations;

''(vi) the catastrophic incident plans adequately address the need for situational awareness and information sharing;

''(vii) the number, skills, and training of the available workforce is sufficient to implement the catastrophic incident plans;

''(viii) the catastrophic incident plans reflect coordination with governmental and nongovernmental entities that would play a significant role in the response to the catastrophic incident; and

''(ix) the catastrophic incident plans set forth a clear command structure and allocation of responsibilities consistent with the National Response Framework and the National Incident Management System.

''(c) REPORT.—Not later than 1 year after the date of enactment of the Clean Energy Jobs and Oil Company Accountability Act of 2010, and annually thereafter until December 31, 2020, the President shall submit a report to the appropriate committees of Congress that includes—

''(1) a discussion of the status of catastrophic incident planning efforts required under this section, including a list of all catastrophic incident plans in progress or completed; and

''(2) a report on planning efforts by Federal agencies required under section 653, including any certification under subsection 653(d).''.

(b) OFFICE OF CATASTROPHIC PLANNING.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

''SEC. 525. CATASTROPHIC INCIDENT PLANNING.

''(a) DEFINITION.—In this section, the term 'catastrophic incident plan' means a plan to prevent, prepare for, protect against, respond to, and recover from a catastrophic incident.

''(b) ESTABLISHMENT.—The Secretary shall establish an Office of Catastrophic Planning in the Agency, which shall be headed by a Director of Catastrophic Planning.

''(c) MISSION.—The mission of the Office of Catastrophic Planning shall be to lead efforts within the Department, and to support, promote, and coordinate efforts throughout the Federal Government, by State, local and tribal governments, and by the private sector, to plan effectively to prevent, prepare for, protect against, respond to, and recover from catastrophic incidents, whether natural disasters, acts of terrorism, or other man-made disasters.

''(d) RESPONSIBILITIES.—The responsibilities of the Director of Catastrophic Planning shall include—

''(1) assisting the President and Federal agencies in identifying risks of catastrophic incidents for which planning is likely to be most needed or beneficial, including risks across all critical infrastructure sectors;

''(2) leading the efforts of the Department to prepare catastrophic incident plans to address risks in the areas of responsibility of the Department;

''(3) providing support to other Federal agencies by—

''(A) providing guidelines, standards, training, and technical assistance to assist the agencies in developing effective catastrophic incident plans in the areas of responsibility of the agencies;

''(B) assisting the agencies in the assessment of the catastrophic incident plans of the agencies, including through assistance with the design and evaluation of exercises; and

''(C) assisting the agencies in developing tools to meaningfully evaluate catastrophic incident plans submitted to the agency by private sector entities;

''(4) ensuring coordination with State, local, and tribal governments in the development of Federal catastrophic incident plans;

''(5) providing assistance to State, local, and tribal governments in developing catastrophic incident plans, including supporting the development of catastrophic incident annexes under section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b);

''(6) promoting and supporting appropriate catastrophic incident planning by private sector entities, including private sector entities that own or manage critical infrastructure;

''(7) promoting the training and education of additional emergency planners;

''(8) assisting the Administrator in the preparation of the catastrophic resource report required under section 652(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(b));

''(9) assisting the President in ensuring consistency and coordination across Federal catastrophic incident plans; and

''(10) otherwise assisting the President in implementing section 655 of the Post-Katrina Emergency Management Reform Act of 2006.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section, for each of fiscal years 2011 through 2020.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 524 the following:

''Sec. 525. Catastrophic incident planning.''.

SEC. 702. ALIGNMENT OF RESPONSE FRAMEWORKS.

(a) DEFINITIONS.—In this section—

(1) the term ''National Response Framework'' means the successor document to the National Response Plan issued in January 2008, or any other successor plan prepared under section 504(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)(6));

(2) the term ''National Contingency Plan'' means the National Contingency Plan prepared under section 311(d) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)) or revised under section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9605); and

(3) the term ''plans'' means the National Response Framework, the National Contingency Plan, and any other plan the Secretary of Homeland Security and the Administrator of the Environmental Protection Agency jointly determine plays a significant role in guiding the response by the Federal Government to the discharge of oil or other hazardous substances.

(b) ALIGNMENT OF PLANS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security (in coordination with the Administrator of the Federal Emergency Management Agency and the Commandant of the Coast Guard) and the Administrator of the Environmental Protection Agency, in conjunction with the head of any other Federal agency determined appropriate by the President, shall review the plans and submit to Congress a report regarding—

(1) the coordination and consistency between the plans, including with respect to—

(A) unified command and reporting structures;

(B) relationships with State, local, and tribal governments; and

(C) assignment of support responsibilities among Federal agencies;

(2) lessons learned from an initial post-incident analysis of the implementation of the plans during the response by the Federal Government to the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit *Deepwater Horizon*;

(3) recommendations for modifications to the plans to ensure coordination and, where appropriate, consistency between the plans and to maximize the purpose of each plan, consistent with statutory authorities;

(4) planned actions to address any modifications recommended under paragraph (3); and

(5) how the plans will be integrated in the event of a disaster occurring after the date of the report involving a discharge of oil or other hazardous material.

(c) SAVINGS CLAUSE.—Nothing in this section requires a modification to the National Contingency Plan or the National Response Framework or affects the authority of the Administrator of the Environmental Protection Agency or the Secretary of Homeland Security to modify or carry out the National Contingency Plan or the National Response Framework.

TITLE VIII—SUBPOENA POWER FOR NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING

SEC. 801. SUBPOENA POWER FOR NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING.

(a) SUBPOENA POWER.—The National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established by Executive Order No. 13543 of May 21, 2010 (referred to in this section as the ''Commission''), may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, and other documents.

(b) ISSUANCE.—

(1) AUTHORIZATION.—A subpoena may be issued under this section only by—

(A) agreement of the Co-Chairs of the Commission; or

(B) the affirmative vote of a majority of the members of the Commission.

(2) JUSTICE DEPARTMENT COORDINATION.—

(A) NOTIFICATION.—

(i) IN GENERAL.—The Commission shall notify the Attorney General or designee of the intent of the Commission to issue a subpoena under this section, the identity of the witness, and the nature of the testimony sought before issuing such a subpoena.

(ii) FORM AND CONTENT.—The form and content of the notice shall be set forth in the guidelines to be issued under subparagraph (D).

(B) CONDITIONS FOR OBJECTION TO ISSUANCE.—The Commission may not issue a subpoena under authority of this section if the Attorney General objects to the issuance of the subpoena on the basis that the taking of the testimony is likely to interfere with any—

(i) Federal or State criminal investigation or prosecution; or

(ii) pending investigation under sections 3729 through 3732 of title 31, United States Code (commonly known as the ''Civil False Claims Act'') or other Federal law providing for civil remedies, or any civil litigation to which the United States or any Federal agencies is or is likely to be a party.

(C) NOTIFICATION OF OBJECTION.—The Attorney General or relevant United States Attorney shall notify the Commission of an objection raised under this paragraph without unnecessary delay and as set forth in the guidelines to be issued under subparagraph (D).

(D) GUIDELINES.—As soon as practicable, but no later than 30 days after the date of the enactment of this Act, the Attorney General, after consultation with the Commission, shall issue guidelines to carry out this subsection.

(3) SIGNATURE AND SERVICE.—A subpoena issued under this section may be—

(A) issued under the signature of either Co-Chair or any member designated by a majority of the Commission; and

(B) served by any person designated by the Co-Chairs or a member designated by a majority of the Commission.

(c) ENFORCEMENT.—

(1) REQUIRED PROCEDURES.—

(A) IN GENERAL.—In the case of contumacy of any person issued a subpoena under this section or refusal by the person to comply with the subpoena, the Commission shall request the Attorney General to seek enforcement of the subpoena.

(B) ENFORCEMENT.—On such request, the Attorney General shall seek enforcement of the subpoena in a court described in paragraph (2).

(C) ORDER.—The court in which the Attorney General seeks enforcement of the subpoena—

(i) shall issue an order requiring the subpoenaed person to appear at any designated place to testify or to produce documentary or other evidence; and

(ii) may punish any failure to obey the order as a contempt of that court.

(2) JURISDICTION FOR ENFORCEMENT.—Any United States district court for a judicial district in which a person issued a subpoena under this section resides, is served, or may be found, or in which the subpoena is returnable, shall have jurisdiction to enforce the subpoena as provided in paragraph (1).

TITLE IX—CORAL REEF CONSERVATION ACT AMENDMENTS

SEC. 901. SHORT TITLE.

This title may be cited as the ''Coral Reef Conservation Amendments Act of 2010''.

SEC. 902. AMENDMENT OF CORAL REEF CONSERVATION ACT OF 2000.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

SEC. 903. AGREEMENTS; REDESIGNATIONS.

The Act (16 U.S.C. 6401 et seq.) is amended—

(1) by redesignating section 208 (16 U.S.C. 6407) as section 213;

(2) by redesignating section 209 (16 U.S.C. 6408) as section 214; and

(3) by redesignating section 210 (16 U.S.C. 6409) as section 215.

SEC. 904. EMERGENCY ASSISTANCE.

Section 206 (16 U.S.C. 6405) is amended to read as follows:

''SEC. 206. EMERGENCY ASSISTANCE.

''The Secretary, in cooperation with the Administrator of the Federal Emergency Management Agency, as appropriate, may provide assistance to any State, local, or territorial government agency with jurisdiction over coral reef ecosystems to address any unforeseen or disaster-related circumstance pertaining to coral reef ecosystems.''.

SEC. 905. EMERGENCY RESPONSE, STABILIZATION, AND RESTORATION.

Section 207 (16 U.S.C. 6406) is amended to read as follows:

''SEC. 207. EMERGENCY RESPONSE, STABILIZATION, AND RESTORATION.

''(a) ESTABLISHMENT OF ACCOUNT.—The Secretary shall establish an account (to be called the 'Emergency Response, Stabilization, and Restoration Account') in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (Public Law 101–515; 33 U.S.C. 2706 note), for implementation of this title for emergency actions.

''(b) DEPOSITS.—

''(1) DEPOSITS.—There shall be deposited in the Emergency Response, Stabilization, and Restoration Account amounts as follows:

''(A) Amounts appropriated for the Account.

''(B) Amounts received by the United States pursuant to this title.

''(C) Amounts otherwise authorized for deposit in the Account by this title.

''(2) AVAILABILITY OF DEPOSITS.—Amounts deposited in the Account shall be available for use by the Secretary for emergency response, stabilization, and restoration activities under this title.''.

SEC. 906. PROHIBITED ACTIVITIES.

(a) IN GENERAL.—The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 207 the following:

''SEC. 208. PROHIBITED ACTIVITIES AND SCOPE OF PROHIBITIONS.

''(a) PROVISIONS AS COMPLEMENTARY.—The provisions of this section are in addition to,

and shall not affect the operation of, other Federal, State, or local laws or regulations providing protection to coral reef ecosystems.

''(b) DESTRUCTION, LOSS, TAKING, OR INJURY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it is unlawful for any person to destroy, take, cause the loss of, or injure any coral reef or any component thereof.

''(2) EXCEPTIONS.—The destruction, loss, taking, or injury of a coral reef or any component thereof is not unlawful if it—

''(A) was caused by the use of fishing gear used in a manner permitted under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) or other Federal or State law;

''(B) was caused by an activity that is authorized or allowed by Federal or State law (including lawful discharges from vessels, such as graywater, cooling water, engine exhaust, ballast water, or sewage from marine sanitation devices), unless the destruction, loss, or injury resulted from actions such as vessel groundings, vessel scrapings, anchor damage, excavation not authorized by Federal or State permit, or other similar activities;

''(C) was the necessary result of bona fide marine scientific research (including marine scientific research activities approved by Federal, State, or local permits), other than excessive sampling or collecting, or actions such as vessel groundings, vessel scrapings, anchor damage, excavation, or other similar activities;

''(D)(i) was caused by a Federal Government agency during—

''(I) an emergency that posed an unacceptable threat to human health or safety or to the marine environment;

''(II) an emergency that posed a threat to national security; or

''(III) an activity necessary for law enforcement or search and rescue; and

''(ii) could not reasonably be avoided; or

''(E) was caused by an action taken by the master of the vessel in an emergency situation to ensure the safety of the vessel or to save a life at sea.

''(c) INTERFERENCE WITH ENFORCEMENT.—It is unlawful for any person to interfere with the enforcement of this title by—

''(1) refusing to permit any officer authorized to enforce this title to board a vessel (other than a vessel operated by the Department of Defense or United States Coast Guard) subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

''(2) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

''(3) submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title.

''(d) VIOLATIONS OF TITLE, PERMIT, OR REGULATION.—It is unlawful for any person to violate any provision of this title, any permit issued pursuant to this title, or any regulation promulgated pursuant to this title.

''(e) POSSESSION AND DISTRIBUTION.—It is unlawful for any person to possess, sell, deliver, carry, transport, or ship by any means any coral taken in violation of this title.''.

(b) EMERGENCY ACTION REGULATIONS.—The Secretary of Commerce shall initiate a rulemaking proceeding to prescribe the circumstances and conditions under which the exception in section 208(b)(2)(E) of the Coral Reef Conservation Act of 2000, as added by subsection (a), applies and shall issue a final rule pursuant to that rulemaking as soon as practicable but not later than 1 year after the date of the enactment of this Act. Nothing in this subsection shall be construed to require the issuance of such regulations before the exception provided by that section is in effect.

SEC. 907. DESTRUCTION OF CORAL REEFS.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 208, as added by section 906 of this title, the following:

''SEC. 209. DESTRUCTION, LOSS, OR TAKING OF, OR INJURY TO, CORAL REEFS.

''(a) LIABILITY.—

''(1) LIABILITY TO THE UNITED STATES.—Except as provided in subsection (f), all persons who engage in an activity that is prohibited under subsections (b) or (d) of section 208, or create an imminent risk thereof, are liable, jointly and severally, to the United States for an amount equal to the sum of—

''(A) response costs and damages resulting from the destruction, loss, taking, or injury, or imminent risk thereof, including damages resulting from the response actions;

''(B) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

''(C) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

''(2) LIABILITY IN REM.—

''(A) IN GENERAL.—Any vessel used in an activity that is prohibited under subsection (b) or (d) of section 208, or creates an imminent risk thereof, shall be liable in rem to the United States for an amount equal to the sum of—

''(i) response costs and damages resulting from such destruction, loss, or injury, or imminent risk thereof, including damages resulting from the response actions;

''(ii) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

''(iii) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

''(B) MARITIME LIENS.—The amount of liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.

''(3) DEFENSES.—A person or vessel is not liable under this subsection if that person or vessel establishes that the destruction, loss, taking, or injury was caused solely by an act of God, an act of war, or an act or omission of a third party (other than an employee or agent of the defendant or one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly with the defendant), and the person or master of the vessel acted with due care.

''(4) NO LIMIT TO LIABILITY.—Nothing in chapter 305 or section 30706 of title 46, United States Code, shall limit liability to any person under this title.

''(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.—

''(1) RESPONSE ACTIONS.—The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction, loss, or taking of, or injury to, coral reefs, or components thereof, or to minimize the risk or imminent risk of such destruction, loss, or injury.

''(2) DAMAGE ASSESSMENT.—

''(A) IN GENERAL.—The Secretary shall assess damages to coral reefs and shall consult with State officials regarding response and damage assessment actions undertaken for coral reefs within State waters.

''(B) PROHIBITION ON DOUBLE RECOVERY.—There shall be no double recovery under this title for coral reef damages, including the cost of damage assessment, for the same incident.

''(c) COMMENCEMENT OF CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—

''(1) COMMENCEMENT.—The Attorney General, upon the request of the Secretary, may commence a civil action against any person or vessel that may be liable under subsection (a) of this section for response costs, seizure, forfeiture, storage, or disposal costs, and damages, and interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705). The Secretary, acting as trustee for coral reefs for the United States, shall submit a request for such an action to the Attorney General whenever a person or vessel may be liable for such costs or damages.

''(2) VENUE IN CIVIL ACTIONS.—A civil action under this title may be brought in the United States district court for any district in which—

''(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(B) the vessel is located, in the case of an action against a vessel;

''(C) the destruction, loss, or taking of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

''(D) where some or all of the coral reef or component thereof that is the subject of the action is not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.

''(d) USE OF RECOVERED AMOUNTS.—

''(1) IN GENERAL.—Any costs, including response costs and damages recovered by the Secretary under this section shall—

''(A) be deposited into an account or accounts in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (33 U.S.C. 2706 note), or the Natural Resource Damage Assessment and Restoration Fund established by the Department of the Interior and Related Agencies Appropriations Act, 1992 (43 U.S.C. 1474b), as appropriate given the location of the violation;

''(B) be available for use by the Secretary without further appropriation and remain available until expended; and

''(C) be for use, as the Secretary considers appropriate—

''(i) to reimburse the Secretary or any other Federal or State agency that conducted activities under subsection (a) or (b) of this section for costs incurred in conducting the activity;

''(ii) to be transferred to the Emergency Response, Stabilization, and Restoration Account established under section 208(d) to reimburse that account for amounts used for authorized emergency actions; and

''(iii) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any coral reefs, or components thereof, including the reasonable costs of monitoring, or to minimize or prevent threats of equivalent injury to, or destruction of coral reefs, or components thereof.

''(2) RESTORATION CONSIDERATIONS.—In development of restoration alternatives under paragraph (1)(C), the Secretary shall consider State and territorial preferences and, if appropriate, shall prioritize restoration projects with geographic and ecological linkages to the injured resources.

''(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed not later than 3 years after the

date on which the Secretary completes a damage assessment and restoration plan for the coral reefs, or components thereof, to which the action relates.

''(f) FEDERAL GOVERNMENT ACTIVITIES.—In the event of threatened or actual destruction of, loss of, or injury to a coral reef or component thereof resulting from an incident caused by a component of any Department or agency of the United States Government, the cognizant Department or agency shall satisfy its obligations under this section by promptly, in coordination with the Secretary, taking appropriate actions to respond to and mitigate the harm and restoring or replacing the coral reef or components thereof and reimbursing the Secretary for all assessment costs.''.

SEC. 908. ENFORCEMENT.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 209, as added by section 907 of this title, the following:

''SEC. 210. ENFORCEMENT.

''(a) IN GENERAL.—The Secretary shall conduct enforcement activities to carry out this title.

''(b) POWERS OF AUTHORIZED OFFICERS.—

''(1) IN GENERAL.—Any person who is authorized to enforce this title may—

''(A) board, search, inspect, and seize any vessel or other conveyance suspected of being used to violate this title, any regulation promulgated under this title, or any permit issued under this title, and any equipment, stores, and cargo of such vessel, except that such authority shall not exist with respect to vessels owned or time chartered by a uniformed service (as defined in section 101 of title 10, United States Code) as warships or naval auxiliaries;

''(B) seize wherever found any component of coral reef taken or retained in violation of this title, any regulation promulgated under this title, or any permit issued under this title;

''(C) seize any evidence of a violation of this title, any regulation promulgated under this title, or any permit issued under this title;

''(D) execute any warrant or other process issued by any court of competent jurisdiction;

''(E) exercise any other lawful authority; and

''(F) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 208.

''(2) NAVAL AUXILIARY DEFINED.—In this subsection, the term 'naval auxiliary' means a vessel, other than a warship, that is owned by or under the exclusive control of a uniformed service and used at the time of the destruction, take, loss, or injury for government, non-commercial service, including combat logistics force vessels, pre-positioned vessels, special mission vessels, or vessels exclusively used to transport military supplies and materials.

''(c) CIVIL ENFORCEMENT AND PERMIT SANCTIONS.—

''(1) CIVIL ADMINISTRATIVE PENALTY.—

''(A) IN GENERAL.—Any person subject to the jurisdiction of the United States who violates this title or any regulation promulgated or permit issued hereunder, shall be liable to the United States for a civil administrative penalty of not more than $200,000 for each such violation, to be assessed by the Secretary.

''(B) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

''(C) DETERMINATION OF AMOUNT.—In determining the amount of civil administrative penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, and any history of prior violations, and such other matters as justice may require.

''(D) CONSIDERATION OF ABILITY TO PAY.—In assessing such penalty, the Secretary may also consider information related to the ability of the violator to pay.

''(2) PERMIT SANCTIONS.—For any person subject to the jurisdiction of the United States who has been issued or has applied for a permit under this title, and who violates this title or any regulation or permit issued under this title, the Secretary may deny, suspend, amend, or revoke in whole or in part any such permit. For any person who has failed to pay or defaulted on a payment agreement of any civil penalty or criminal fine or liability assessed pursuant to any natural resource law administered by the Secretary, the Secretary may deny, suspend, amend or revoke in whole or in part any permit issued or applied for under this title.

''(3) IMPOSITION OF CIVIL JUDICIAL PENALTIES.—

''(A) IN GENERAL.—Any person who violates any provision of this title, any regulation promulgated or permit issued thereunder, shall be subject to a civil judicial penalty not to exceed $250,000 for each such violation.

''(B) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

''(C) CIVIL ACTIONS.—The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require.

''(D) AMOUNTS OF CIVIL PENALTIES.—In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

''(E) CONSIDERATION OF ABILITY TO PAY.—In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

''(4) NOTICE.—No penalty or permit sanction shall be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

''(5) IN REM JURISDICTION.—A vessel used in violating this title, any regulation promulgated under this title, or any permit issued under this title, shall be liable in rem for any civil penalty assessed for such violation. Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

''(6) COLLECTION OF PENALTIES.—

''(A) IN GENERAL.—If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States (plus interest at current prevailing rates from the date of the final order).

''(B) NOT SUBJECT TO REVIEW.—In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

''(C) ATTORNEY'S FEES, COSTS, AND NONPAYMENT PENALTY.—

''(i) IN GENERAL.—Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists.

''(ii) AMOUNT OF NONPAYMENT PENALTY.—Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter.

''(7) COMPROMISE OR OTHER ACTION BY SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty or permit sanction which is or may be imposed under this section and that has not been referred to the Attorney General for further enforcement action.

''(8) JURISDICTION.—

''(A) IN GENERAL.—The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this section.

''(B) AMERICAN SAMOA.—For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

''(C) TREATMENT OF VIOLATIONS.—Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law.

''(d) FORFEITURE.—

''(1) CRIMINAL FORFEITURE.—

''(A) IN GENERAL.—A person who is convicted of an offense in violation of this title shall forfeit to the United States—

''(i) any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the offense, including, without limitation, any coral reef or coral reef component (or the fair market value thereof); and

''(ii) any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of the offense, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

''(B) APPLICATION OF CERTAIN PROVISIONS OF CONTROLLED SUBSTANCES ACT.—Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) other than subsection (d) thereof shall apply to criminal forfeitures under this section.

''(2) CIVIL FORFEITURE.—The property set forth below shall be subject to forfeiture to the United States in accordance with the provisions of chapter 46 of title 18, United States Code, and no property right shall exist in it:

''(A) Any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of a violation of this title, including, without limitation, any coral reef or coral reef component (or the fair market value thereof).

''(B) Any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of a violation of this title, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

''(3) APPLICATION OF CUSTOMS LAWS.—

''(A) IN GENERAL.—All provisions of law relating to seizure, summary judgment, and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the

compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as applicable and not inconsistent with the provisions hereof.

''(B) AUTHORITY FOR ACTIONS BY SECRETARY.—For seizures and forfeitures of property under this section by the Secretary, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary or, upon request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

''(4) PRESUMPTION.—For the purposes of this section there is a rebuttable presumption that all coral reefs, or components thereof, found on board a vessel that is used or seized in connection with a violation of this title or of any regulation promulgated under this title were taken, obtained, or retained in violation of this title or of a regulation promulgated under this title.

''(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Any person assessed a civil penalty for a violation of this title or of any regulation promulgated under this title and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any property seized in connection with the violation.

''(f) EXPENDITURES.—

''(1) DEPOSIT AND AVAILABILITY.—Notwithstanding section 3302 of title 31, United States Code, or section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861), amounts received by the United States as civil penalties under subsection (c) of this section, forfeitures of property under subsection (d) of this section, and costs imposed under subsection (e) of this section, shall—

''(A) be placed into an account;

''(B) be available for use by the Secretary without further appropriation; and

''(C) remain available until expended.

''(2) USE OF FORFEITURES AND COSTS.—Amounts received under this section for forfeitures under subsection (d) and costs imposed under subsection (e) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any property seized in connection with a violation of this title or any regulation promulgated under this title.

''(3) USE OF CIVIL PENALTIES.—Amounts received under this section as civil penalties under subsection (c) of this section and any amounts remaining after the operation of paragraph (2) of this subsection shall—

''(A) be used to stabilize, restore, or otherwise manage the coral reef with respect to which the violation occurred that resulted in the penalty or forfeiture;

''(B) be transferred to the Emergency Response, Stabilization, and Restoration Account established under section 207(a) or an account described in section 209(d)(1), to reimburse such account for amounts used for authorized emergency actions;

''(C) be used to conduct monitoring and enforcement activities;

''(D) be used to conduct research on techniques to stabilize and restore coral reefs;

''(E) be used to conduct activities that prevent or reduce the likelihood of future damage to coral reefs;

''(F) be used to stabilize, restore or otherwise manage any other coral reef; or

''(G) be used to pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or any regulation promulgated under this title.

''(g) CRIMINAL ENFORCEMENT.—

''(1) INTERFERENCE WITH ENFORCEMENT.—Any person (other than a foreign government or any entity of such government) who knowingly commits any act prohibited by section 208(c) of this title shall be imprisoned for not more than 5 years and shall be fined not more than $500,000 for individuals or $1,000,000 for an organization; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this title, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than 10 years.

''(2) OTHER KNOWING VIOLATIONS .—Any person (other than a foreign government or any entity of such government) who knowingly violates subsection (b), (d), or (e) of section 208 shall be fined under title 18, United States Code, or imprisoned not more than 5 years or both.

''(3) OTHER UNKNOWING VIOLATIONS.—Any person (other than a foreign government or any entity of such government) who violates subsection (b), (d), or (e) of section 208, and who, in the exercise of due care should know that such person's conduct violates subsection (b), (d), or (e) of section 208, shall be fined under title 18, United States Code, or imprisoned not more than 1 year, or both.

''(4) JURISDICTION.—

''(A) IN GENERAL.—The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this subsection.

''(B) AMERICAN SAMOA.—For the purpose of this subsection, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

''(C) TREATMENT OF VIOLATIONS.—Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law. Any offenses not committed in any district are subject to the venue provisions of section 3238 of title 18, United States Code.

''(h) SUBPOENAS.—In the case of any investigation or hearing under this section or any other natural resource statute administered by the Under Secretary for Oceans and Atmosphere which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, electronic files, and documents, and may administer oaths.

''(i) COAST GUARD AUTHORITY NOT LIMITED.—Nothing in this section shall be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

''(j) INJUNCTIVE RELIEF.—

''(1) INJUNCTIVE RELIEF BY SECRETARY.—

''(A) IN GENERAL.—If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a coral reef, or that there has been actual destruction or loss of, or injury to, a coral reef which may give rise to liability under section 209 of this title, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the coral reef, or both.

''(B) JURISDICTION.—The district courts of the Unites States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

''(2) INJUNCTIVE RELIEF BY ATTORNEY GENERAL.—Upon the request of the Secretary, the Attorney General may seek to enjoin any person who is alleged to be in violation of any provision of this title, or any regulation or permit issued under this title, and the district courts shall have jurisdiction to grant such relief.

''(k) AREA OF APPLICATION AND ENFORCEABILITY.—The area of application and enforceability of this title includes the internal waters of the United States, the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, the Exclusive Economic Zone of the United States as described in Presidential Proclamation 5030 of March 10, 1983, and the continental shelf, consistent with international law.

''(l) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with rule 4 of the Federal Rules of Civil Procedure.

''(m) VENUE IN CIVIL ACTIONS.—A civil action under this title may be brought in the United States district court for any district in which—

''(1) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(2) the vessel is located, in the case of an action against a vessel;

''(3) the destruction of, loss of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

''(4) where some or all of the coral reef or component thereof that is the subject of the action is not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.

''(n) UNIFORMED SERVICE OFFICERS AND EMPLOYEES.—No officer or employee of a uniformed service (as defined in section 101 of title 10, United States Code) shall be held liable under this section, either in such officer's or employee's personal or official capacity, for any violation of section 208 occurring during the performance of the officer's or employee's official governmental duties.

''(o) CONTRACT EMPLOYEES.—No contract employee of a uniformed service (as so defined), serving as vessel master or crew member, shall be liable under this section for any violation of section 208 if that contract employee—

''(1) is acting as a contract employee of a uniformed service under the terms of an operating contract for a vessel owned by a uniformed service, or a time charter for pre-positioned vessels, special mission vessels, or vessels exclusively transporting military supplies and materials; and

''(2) is engaged in an action or actions over which such employee has been given no discretion (e.g., anchoring or mooring at one or more designated anchorages or buoys, or executing specific operational elements of a special mission activity), as determined by the uniformed service controlling the contract.''.

SEC. 909. REGULATIONS.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 210, as added by section 908 of this title, the following:

"SEC. 211. REGULATIONS.

''(a) IN GENERAL.—The Secretary may issue such regulations as are necessary and appropriate to carry out the purposes of this title.

''(b) APPLICATION IN ACCORDANCE WITH INTERNATIONAL LAW.—This title and any regulations promulgated under this title shall be applied in accordance with international law.

''(c) LIMITATIONS WITH RESPECT TO CITIZENSHIP STATUS.—No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.''.

SEC. 910. JUDICIAL REVIEW.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 211, as added by section 909 of this title, the following:

"SEC. 212. JUDICIAL REVIEW.

''(a) IN GENERAL.—Chapter 7 of title 5, United States Code, is not applicable to any action taken by the Secretary under this title, except that—

''(1) review of any final agency action of the Secretary taken pursuant to sections 210(c)(1) and 210(c)(2) may be had only by the filing of a complaint by an interested person in the United States District Court for the appropriate district; any such complaint must be filed within 30 days of the date such final agency action is taken; and

''(2) review of any final agency action of the Secretary taken pursuant to other provisions of this title may be had by the filing of a petition for review by an interested person in the Circuit Court of Appeals of the United States for the federal judicial district in which such person resides or transact business which is directly affected by the action taken; such petition shall be filed within 120 days from the date such final agency action is taken.

''(b) NO REVIEW IN ENFORCEMENT PROCEEDINGS.—Final agency action with respect to which review could have been obtained under subsection (a)(2) shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

''(c) COST OF LITIGATION.—In any judicial proceeding under subsection (a), the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party whenever it determines that such award is appropriate.''.

DIVISION B—REDUCING OIL CONSUMPTION AND IMPROVING ENERGY SECURITY

TITLE XX—NATURAL GAS VEHICLE AND INFRASTRUCTURE DEVELOPMENT

SEC. 2001. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) INCREMENTAL COST.—The term ''incremental cost'' means the difference between—

(A) the suggested retail price of a manufacturer for a qualified alternative fuel vehicle; and

(B) the suggested retail price of a manufacturer for a vehicle that is—

(i) powered solely by a gasoline or diesel internal combustion engine; and

(ii) comparable in weight, size, and use to the vehicle.

(3) MIXED-FUEL VEHICLE.—The term ''mixed-fuel vehicle'' means a mixed-fuel vehicle (as defined in section 30B(e)(5)(B) of the Internal Revenue Code of 1986) (including vehicles with a gross vehicle weight rating of 14,000 pounds or less) that uses a fuel mix that is comprised of at least 75 percent compressed natural gas or liquefied natural gas.

(4) NATURAL GAS REFUELING PROPERTY.—The term ''natural gas refueling property'' means units that dispense at least 85 percent by volume of natural gas, compressed natural gas, or liquefied natural gas as a transportation fuel.

(5) QUALIFIED ALTERNATIVE FUEL VEHICLE.—The term ''qualified alternative fuel vehicle'' means a vehicle manufactured for use in the United States that is—

(A) a new compressed natural gas- or liquefied natural gas-fueled vehicle that is only capable of operating on natural gas;

(B) a vehicle that is capable of operating for more than 175 miles on 1 fueling of compressed or liquefied natural gas and is capable of operating on gasoline or diesel fuel, including vehicles with a gross vehicle weight rating of 14,000 pounds or less.

(6) QUALIFIED MANUFACTURER.—The term ''qualified manufacturer'' means a manufacturer of qualified alternative fuel vehicles or any component designed specifically for use in a qualified alternative fuel vehicle.

(7) QUALIFIED OWNER.—The term ''qualified owner'' means an individual that purchases a qualified alternative fuel vehicle for use or lease in the United States but not for resale.

(8) QUALIFIED REFUELER.—The term ''qualified refueler'' means the owner or operator of natural gas refueling property.

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

SEC. 2002. PROGRAM ESTABLISHMENT.

(a) IN GENERAL.—There is established within the Department a Natural Gas Vehicle and Infrastructure Development Program for the purpose of facilitating the use of natural gas in the United States as an alternative transportation fuel, in order to achieve the maximum feasible reduction in domestic oil use.

(b) CONVERSION OR REPOWERING OF VEHICLES.—The Secretary shall establish a rebate program under this title for qualified owners who convert or repower a conventionally fueled vehicle to operate on compressed natural gas or liquefied natural gas, or to a mixed-fuel vehicle or a bi-fuel vehicle.

SEC. 2003. REBATES.

(a) INTERIM FINAL RULE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing regulations that the Secretary considers necessary to administer the rebates required under this section.

(2) ADMINISTRATION.—The interim final rule shall establish a program that provides—

(A) rebates to qualified owners for the purchase of qualified alternative fuel vehicles; and

(B) priority to those vehicles that the Secretary determines are most likely to achieve the shortest payback time on investment and the greatest market penetration for natural gas vehicles.

(3) ALLOCATION.—Of the amount allocated for rebates under this section, not more than 25 percent shall be used to provide rebates to qualified owners for the purchase of qualified alternative fuel vehicles that have a gross vehicle rating of not more than 8,500 pounds.

(b) REBATES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide rebates for 90 percent of the incremental cost of a qualified alternative fuel vehicle to a qualified owner for the purchase of a qualified alternative fuel vehicles.

(2) MAXIMUM VALUES.—

(A) NATURAL GAS VEHICLES.—The maximum value of a rebate under this section provided to a qualified owner who places a qualified alternative fuel vehicle into service by 2013 shall be—

(i) $8,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of not more than 8,500 pounds;

(ii) $16,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 8,500 but not more than 14,000 pounds;

(iii) $40,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 14,000 but not more than 26,000 pounds; and

(iv) $64,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 26,000 pounds.

(B) MIXED–FUEL VEHICLES.—The maximum value of a rebate under this section provided to a qualified owner who places a qualified alternative fuel vehicle that is a mixed-fuel vehicle into service by 2015 shall be 75 percent of the amount provided for rebates under this section for vehicles that are only capable of operating on natural gas.

(C) BI-FUEL VEHICLES.—The maximum value of a rebate under this section provided to a qualified owner of a vehicle described in section 2001(5)(B) shall be 50 percent of the amount provided for rebates under this section for vehicles that are only capable of operating on natural gas.

(c) TREATMENT OF REBATES.—For purposes of the Internal Revenue Code of 1986, rebates received for qualified alternative fuel vehicles under this section—

(1) shall not be considered taxable income to a qualified owner;

(2) shall prohibit the qualified owner from applying for any tax credit allowed under that Code for the same qualified alternative fuel vehicle; and

(3) shall be considered a credit described in paragraph (2) for purposes of any limitation on the amount of the credit.

(d) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $3,800,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 2004. INFRASTRUCTURE AND DEVELOPMENT GRANTS.

(a) INTERIM FINAL RULE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing an infrastructure deployment program and a manufacturing development program, and any implementing regulations that the Secretary considers necessary, to achieve the maximum practicable cost-effective program to provide grants under this section.

(b) GRANTS.—The Secretary shall provide—

(1) grants of up to $50,000 per unit to qualified refuelers for the installation of natural gas refueling property placed in service between 2011 and 2015; and

(2) grants in amounts determined to be appropriate by the Secretary to qualified manufacturers for research, development, and demonstration projects on engines with reduced emissions, improved performance, and lower cost.

(c) COST SHARING.—Grants under this section shall be subject to the cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) MONITORING.—The Secretary shall—

(1) require regular reporting of such information as the Secretary considers necessary to effectively administer the program from grant recipients under this section; and

(2) conduct on-site and off-site monitoring to ensure compliance with grant terms.

(e) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury

shall transfer to the Secretary to carry out this section $500,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 2005. LOAN PROGRAM TO ENHANCE DOMESTIC MANUFACTURING.

(a) INTERIM FINAL RULE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing a direct loan program to provide loans to qualified manufacturers to pay not more than 80 percent of the cost of reequipping, expanding, or establishing a facility in the United States that will be used for the purpose of producing any new qualified alternative fuel motor vehicle or any eligible component.

(b) OVERALL COMMITMENT LIMIT.—Commitments for direct loans under this section shall not exceed $2,000,000,000 in total loan principal.

(c) COST OF DIRECT LOANS.—The cost of direct loans under this section (including the cost of modifying the loans) shall be determined in accordance with section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(d) ADDITIONAL FINANCIAL AND TECHNICAL PERSONNEL.—Section 621(d) of the Department of Energy Organization Act (42 U.S.C. 7231(d)) is amended by striking ''two hundred'' and inserting ''250''.

(e) FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, on October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the cost of loans to carry out this section $200,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

TITLE XXI—PROMOTING ELECTRIC VEHICLES

SEC. 2101. SHORT TITLE.

This title may be cited as the ''Promoting Electric Vehicles Act of 2010''.

SEC. 2102. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(2) CHARGING INFRASTRUCTURE.—The term ''charging infrastructure'' means any property (not including a building) if the property is used for the recharging of plug-in electric drive vehicles, including electrical panel upgrades, wiring, conduit, trenching, pedestals, and related equipment.

(3) COMMITTEE.—The term ''Committee'' means the Plug-in Electric Drive Vehicle Technical Advisory Committee established by section 2134.

(4) DEPLOYMENT COMMUNITY.—The term ''deployment community'' means a community selected by the Secretary to be part of the targeted plug-in electric drive vehicles deployment communities program under section 2116.

(5) ELECTRIC UTILITY.—The term ''electric utility'' has the meaning given the term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

(6) FEDERAL-AID SYSTEM OF HIGHWAYS.—The term ''Federal-aid system of highways'' means a highway system described in section 103 of title 23, United States Code.

(7) PLUG-IN ELECTRIC DRIVE VEHICLE.—

(A) IN GENERAL.—The term ''plug-in electric drive vehicle'' has the meaning given the term in section 131(a)(5) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)(5)).

(B) INCLUSIONS.—The term ''plug-in electric drive vehicle'' includes—

(i) low speed plug-in electric drive vehicles that meet the Federal Motor Vehicle Safety Standards described in section 571.500 of title 49, Code of Federal Regulations (or successor regulations); and

(ii) any other electric drive motor vehicle that can be recharged from an external source of motive power and that is authorized to travel on the Federal-aid system of highways.

(8) PRIZE.—The term ''Prize'' means the Advanced Batteries for Tomorrow Prize established by section 2122.

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

(10) TASK FORCE.—The term ''Task Force'' means the Plug-in Electric Drive Vehicle Interagency Task Force established by section 2135.

Subtitle A—National Plug-in Electric Drive Vehicle Deployment Program.

SEC. 2111. NATIONAL PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT PROGRAM.

(a) IN GENERAL.—There is established within the Department of Energy a national plug-in electric drive vehicle deployment program for the purpose of assisting in the deployment of plug-in electric drive vehicles.

(b) GOALS.—The goals of the national program described in subsection (a) include—

(1) the reduction and displacement of petroleum use by accelerating the deployment of plug-in electric drive vehicles in the United States;

(2) the reduction of greenhouse gas emissions by accelerating the deployment of plug-in electric drive vehicles in the United States;

(3) the facilitation of the rapid deployment of plug-in electric drive vehicles;

(4) the achievement of significant market penetrations by plug-in electric drive vehicles nationally;

(5) the establishment of models for the rapid deployment of plug-in electric drive vehicles nationally, including models for the deployment of residential, private, and publicly available charging infrastructure;

(6) the increase of consumer knowledge and acceptance of plug-in electric drive vehicles;

(7) the encouragement of the innovation and investment necessary to achieve mass market deployment of plug-in electric drive vehicles;

(8) the facilitation of the integration of plug-in electric drive vehicles into electricity distribution systems and the larger electric grid while maintaining grid system performance and reliability;

(9) the provision of technical assistance to communities across the United States to prepare for plug-in electric drive vehicles; and

(10) the support of workforce training across the United States relating to plug-in electric drive vehicles.

(c) DUTIES.—In carrying out this subtitle, the Secretary shall—

(1) provide technical assistance to State, local, and tribal governments that want to create deployment programs for plug-in electric drive vehicles in the communities over which the governments have jurisdiction;

(2) perform national assessments of the potential deployment of plug-in electric drive vehicles under section 2112;

(3) synthesize and disseminate data from the deployment of plug-in electric drive vehicles;

(4) develop best practices for the successful deployment of plug-in electric drive vehicles;

(5) carry out workforce training under section 2114;

(6) establish the targeted plug-in electric drive vehicle deployment communities program under section 2116; and

(7) in conjunction with the Task Force, make recommendations to Congress and the President on methods to reduce the barriers to plug-in electric drive vehicle deployment.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the progress made in implementing the national program described in subsection (a) that includes—

(1) a description of the progress made by—

(A) the technical assistance program under section 2113; and

(B) the workforce training program under section 2114; and

(2) any updated recommendations of the Secretary for changes in Federal programs to promote the purposes of this subtitle.

(e) NATIONAL INFORMATION CLEARINGHOUSE.—The Secretary shall make available to the public, in a timely manner, information regarding—

(1) the cost, performance, usage data, and technical data regarding plug-in electric drive vehicles and associated infrastructure, including information from the deployment communities established under section 2116; and

(2) any other educational information that the Secretary determines to be appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out sections 2111 through 2113 $100,000,000 for the period of fiscal years 2011 through 2016.

SEC. 2112. NATIONAL ASSESSMENT AND PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall carry out a national assessment and develop a national plan for plug-in electric drive vehicle deployment that includes—

(1) an assessment of the maximum feasible deployment of plug-in electric drive vehicles by 2020 and 2030;

(2) the establishment of national goals for market penetration of plug-in electric drive vehicles by 2020 and 2030;

(3) a plan for integrating the successes and barriers to deployment identified by the deployment communities program established under section 2116 to prepare communities across the Nation for the rapid deployment of plug-in electric drive vehicles;

(4) a plan for providing technical assistance to communities across the United States to prepare for plug-in electric drive vehicle deployment;

(5) a plan for quantifying the reduction in petroleum consumption and the net impact on greenhouse gas emissions due to the deployment of plug-in electric drive vehicles; and

(6) in consultation with the Task Force, any recommendations to the President and to Congress for changes in Federal programs (including laws, regulations, and guidelines)—

(A) to better promote the deployment of plug-in electric drive vehicles; and

(B) to reduce barriers to the deployment of plug-in electric drive vehicles.

(b) UPDATES.—Not later than 2 years after the date of development of the plan described in subsection (a), and not less frequently than once every 2 years thereafter, the Secretary shall use market data and information from the targeted plug-in electric drive vehicle deployment communities program established under section 2116 and other relevant data to update the plan to reflect real world market conditions.

SEC. 2113. TECHNICAL ASSISTANCE.

(a) TECHNICAL ASSISTANCE TO STATE, LOCAL, AND TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—In carrying out this subtitle, the Secretary shall provide, at the request of the Governor, Mayor, county executive, or the designee of such an official, technical assistance to State, local, and tribal governments to assist with the deployment of plug-in electric drive vehicles.

(2) REQUIREMENTS.—The technical assistance described in paragraph (1) shall include—

(A) training on codes and standards for building and safety inspectors;

(B) training on best practices for expediting permits and inspections;

(C) education and outreach on frequently asked questions relating to the various types of plug-in electric drive vehicles and associated infrastructure, battery technology, and disposal; and

(D) the dissemination of information regarding best practices for the deployment of plug-in electric drive vehicles.

(3) PRIORITY.—In providing technical assistance under this subsection, the Secretary shall give priority to—

(A) communities that have established public and private partnerships, including partnerships comprised of—

(i) elected and appointed officials from each of the participating State, local, and tribal governments;

(ii) relevant generators and distributors of electricity;

(iii) public utility commissions;

(iv) departments of public works and transportation;

(v) owners and operators of property that will be essential to the deployment of a sufficient level of publicly available charging infrastructure (including privately owned parking lots or structures and commercial entities with public access locations);

(vi) plug-in electric drive vehicle manufacturers or retailers;

(vii) third-party providers of charging infrastructure or services;

(viii) owners of any major fleet that will participate in the program;

(ix) as appropriate, owners and operators of regional electric power distribution and transmission facilities; and

(x) other existing community coalitions recognized by the Department of Energy;

(B) communities that, as determined by the Secretary, have best demonstrated that the public is likely to embrace plug-in electric drive vehicles, giving particular consideration to communities that—

(i) have documented waiting lists to purchase plug-in electric drive vehicles;

(ii) have developed projections of the quantity of plug-in electric drive vehicles supplied to dealers; and

(iii) have assessed the quantity of charging infrastructure installed or for which permits have been issued;

(C) communities that have shown a commitment to serving diverse consumer charging infrastructure needs, including the charging infrastructure needs for single- and multi-family housing and public and privately owned commercial infrastructure; and

(D) communities that have established regulatory and educational efforts to facilitate consumer acceptance of plug-in electric drive vehicles, including by—

(i) adopting (or being in the process of adopting) streamlined permitting and inspections processes for residential charging infrastructure; and

(ii) providing customer informational resources, including providing plug-in electric drive information on community or other websites.

(4) BEST PRACTICES.—The Secretary shall collect and disseminate information to State, local, and tribal governments creating plans to deploy plug-in electric drive vehicles on best practices (including codes and standards) that uses data from—

(A) the program established by section 2116;

(B) the activities carried out by the Task Force; and

(C) existing academic and industry studies of the factors that contribute to the successful deployment of new technologies, particularly studies relating to alternative fueled vehicles.

(5) GRANTS.—

(A) IN GENERAL.—The Secretary shall establish a program to provide grants to State, local, and tribal governments or to partnerships of government and private entities to assist the governments and partnerships—

(i) in preparing a community deployment plan under section 2116; and

(ii) in preparing and implementing programs that support the deployment of plug-in electric drive vehicles.

(B) APPLICATION.—A State, local, or tribal government that seeks to receive a grant under this paragraph shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

(C) USE OF FUNDS.—A State, local, or tribal government receiving a grant under this paragraph shall use the funds—

(i) to develop a community deployment plan that shall be submitted to the next available competition under section 2116; and

(ii) to carry out activities that encourage the deployment of plug-in electric drive vehicles including—

(I) planning for and installing charging infrastructure, particularly to develop and demonstrate diverse and cost-effective planning, installation, and operations options for deployment of single family and multifamily residential, workplace, and publicly available charging infrastructure;

(II) updating building, zoning, or parking codes and permitting or inspection processes;

(III) workforce training, including the training of permitting officials;

(IV) public education described in the proposed marketing plan;

(V) shifting State, local, or tribal government fleets to plug-in electric drive vehicles, at a rate in excess of the existing alternative fueled fleet vehicles acquisition requirements for Federal fleets under section 303(b)(1)(D) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)(D)); and

(VI) any other activities, as determined to be necessary by the Secretary.

(D) CRITERIA.—The Secretary shall develop and publish criteria for the selection of technical assistance grants, including requirements for the submission of applications under this paragraph.

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph.

(b) UPDATING MODEL BUILDING CODES, PERMITTING AND INSPECTION PROCESSES, AND ZONING OR PARKING RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the American Society of Heating, Refrigerating and Air-Conditioning Engineers, the International Code Council, and any other organizations that the Secretary determines to be appropriate, shall develop and publish guidance for—

(A) model building codes for the inclusion of separate circuits for charging infrastructure, as appropriate, in new construction and major renovations of private residences, buildings, or other structures that could provide publicly available charging infrastructure;

(B) model construction permitting or inspection processes that allow for the expedited installation of charging infrastructure for purchasers of plug-in electric drive vehicles (including a permitting process that allows a vehicle purchaser to have charging infrastructure installed not later than 1 week after a request); and

(C) model zoning, parking rules, or other local ordinances that—

(i) facilitate the installation of publicly available charging infrastructure, including commercial entities that provide public access to infrastructure; and

(ii) allow for access to publicly available charging infrastructure.

(2) OPTIONAL ADOPTION.—An applicant for selection for technical assistance under this section or as a deployment community under section 2116 shall not be required to use the model building codes, permitting and inspection processes, or zoning, parking rules, or other ordinances included in the report under paragraph (1).

(3) SMART GRID INTEGRATION.—In developing the model codes or ordinances described in paragraph (1), the Secretary shall consider smart grid integration.

SEC. 2114. WORKFORCE TRAINING.

(a) MAINTENANCE AND SUPPORT.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee and the Task Force, shall award grants to institutions of higher education and other qualified training and education institutions for the establishment of programs to provide training and education for vocational workforce development through centers of excellence.

(2) PURPOSE.—Training funded under this subsection shall be intended to ensure that the workforce has the necessary skills needed to work on and maintain plug-in electric drive vehicles and the infrastructure required to support plug-in electric drive vehicles.

(3) SCOPE.—Training funded under this subsection shall include training for—

(A) first responders;

(B) electricians and contractors who will be installing infrastructure;

(C) engineers;

(D) code inspection officials; and

(E) dealers and mechanics.

(b) DESIGN.—The Secretary shall award grants to institutions of higher education and other qualified training and education institutions for the establishment of programs to provide training and education in designing plug-in electric drive vehicles and associated components and infrastructure to ensure that the United States can lead the world in this field.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000.

SEC. 2115. FEDERAL FLEETS.

(a) IN GENERAL.—Electricity consumed by Federal agencies to fuel plug-in electric drive vehicles—

(1) is an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13218)); and

(2) shall be accounted for under Federal fleet management reporting requirements, not under Federal building management reporting requirements.

(b) ASSESSMENT AND REPORT.—Not later than 180 days after the date of enactment of this Act and every 3 years thereafter, the Federal Energy Management Program and the General Services Administration, in consultation with the Task Force, shall complete an assessment of Federal Government fleets, including the Postal Service and the

Department of Defense, and submit a report to Congress that describes—

(1) for each Federal agency, which types of vehicles the agency uses that would or would not be suitable for near-term and medium-term conversion to plug-in electric drive vehicles, taking into account the types of vehicles for which plug-in electric drive vehicles could provide comparable functionality and lifecycle costs;

(2) how many plug-in electric drive vehicles could be deployed by the Federal Government in 5 years and in 10 years, assuming that plug-in electric drive vehicles are available and are purchased when new vehicles are needed or existing vehicles are replaced;

(3) the estimated cost to the Federal Government for vehicle purchases under paragraph (2); and

(4) a description of any updates to the assessment based on new market data.

(c) INVENTORY AND DATA COLLECTION.—

(1) IN GENERAL.—In carrying out the assessment and report under subsection (b), the Federal Energy Management Program, in consultation with the General Services Administration, shall—

(A) develop an information request for each agency that operates a fleet of at least 20 motor vehicles; and

(B) establish guidelines for each agency to use in developing a plan to deploy plug-in electric drive vehicles.

(2) AGENCY RESPONSES.—Each agency that operates a fleet of at least 20 motor vehicles shall—

(A) collect information on the vehicle fleet of the agency in response to the information request described in paragraph (1); and

(B) develop a plan to deploy plug-in electric drive vehicles.

(3) ANALYSIS OF RESPONSES.—The Federal Energy Management Program shall—

(A) analyze the information submitted by each agency under paragraph (2);

(B) approve or suggest amendments to the plan of each agency to ensure that the plan is consistent with the goals and requirements of this title; and

(C) submit a plan to Congress and the General Services Administration to be used in developing the pilot program described in subsection (e).

(d) BUDGET REQUEST.—Each agency of the Federal Government shall include plug-in electric drive vehicle purchases identified in the report under subsection (b) in the budget of the agency to be included in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.

(e) PILOT PROGRAM TO DEPLOY PLUG-IN ELECTRIC DRIVE VEHICLES IN THE FEDERAL FLEET.—

(1) PROGRAM.—

(A) IN GENERAL.—The Administrator of General Services shall acquire plug-in electric drive vehicles and the requisite charging infrastructure to be deployed in a range of locations in Federal Government fleets, which may include the United States Postal Service and the Department of Defense, during the 5-year period beginning on the date of enactment of this Act.

(B) EXPENDITURES.—To the maximum extent practicable, expenditures under this paragraph should make a contribution to the advancement of manufacturing of electric drive components and vehicles in the United States.

(2) DATA COLLECTION.—The Administrator of General Services shall collect data regarding—

(A) the cost, performance, and use of plug-in electric drive vehicles in the Federal fleet;

(B) the deployment and integration of plug-in electric drive vehicles in the Federal fleet; and

(C) the contribution of plug-in electric drive vehicles in the Federal fleet toward reducing the use of fossil fuels and greenhouse gas emissions.

(3) REPORT.—Not later than 6 years after the date of enactment of this Act, the Administrator of General Services shall submit to the appropriate committees of Congress a report that—

(A) describes the status of plug-in electric drive vehicles in the Federal fleet; and

(B) includes an analysis of the data collected under this subsection.

(4) PUBLIC WEB SITE.—The Federal Energy Management Program shall maintain and regularly update a publicly available Web site that provides information on the status of plug-in electric drive vehicles in the Federal fleet.

(f) ACQUISITION PRIORITY.—Section 507(g) of the Energy Policy Act of 1992 (42 U.S.C. 13257(g)) is amended by adding at the end the following:

''(5) PRIORITY.—The Secretary shall, to the maximum extent practicable, prioritize the acquisition of plug-in electric drive vehicles (as defined in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)) over nonelectric alternative fueled vehicles.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for use by the Federal Government in paying incremental costs to purchase or lease plug-in electric drive vehicles and the requisite charging infrastructure for Federal fleets $25,000,000.

SEC. 2116. TARGETED PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT COMMUNITIES PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the national plug-in electric drive deployment program established under section 2111 a targeted plug-in electric drive vehicle deployment communities program (referred to in this section as the ''Program'').

(2) EXISTING ACTIVITIES.—In carrying out the Program, the Secretary shall coordinate and supplement, not supplant, any ongoing plug-in electric drive deployment activities under section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011).

(3) PHASE 1.—

(A) IN GENERAL.—The Secretary shall establish a competitive process to select phase 1 deployment communities for the Program.

(B) ELIGIBLE ENTITIES.—In selecting participants for the Program under paragraph (1), the Secretary shall only consider applications submitted by State, tribal, or local government entities (or groups of State, tribal, or local government entities).

(C) SELECTION.—Not later than 1 year after the date of enactment of this Act and not later than 1 year after the date on which any subsequent amounts are appropriated for the Program, the Secretary shall select the phase 1 deployment communities under this paragraph.

(D) TERMINATION.—Phase 1 of the Program shall be carried out for a 3-year period beginning on the date funding under this title is first provided to the deployment community.

(4) PHASE 2.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that analyzes the lessons learned in phase I and, if, based on the phase I analysis, the Secretary determines that a phase II program is warranted, makes recommendations and describes a plan for phase II, including—

(A) recommendations regarding—

(i) options for the number of additional deployment communities that should be selected;

(ii) the manner in which criteria for selection should be updated;

(iii) the manner in which incentive structures for phase 2 deployment should be changed; and

(iv) whether other forms of onboard energy storage for electric drive vehicles, such as fuel cells, should be included in phase 2; and

(B) a request for appropriations to implement phase 2 of the Program.

(b) GOALS.—The goals of the Program are—

(1) to facilitate the rapid deployment of plug-in electric drive vehicles, including—

(A) the deployment of 400,000 plug-in electric drive vehicles in phase 1 in the deployment communities selected under paragraph (2);

(B) the near-term achievement of significant market penetration in deployment communities; and

(C) supporting the achievement of significant market penetration nationally;

(2) to establish models for the rapid deployment of plug-in electric drive vehicles nationally, including for the deployment of single-family and multifamily residential, workplace, and publicly available charging infrastructure;

(3) to increase consumer knowledge and acceptance of, and exposure to, plug-in electric drive vehicles;

(4) to encourage the innovation and investment necessary to achieve mass market deployment of plug-in electric drive vehicles;

(5) to demonstrate the integration of plug-in electric drive vehicles into electricity distribution systems and the larger electric grid while maintaining or improving grid system performance and reliability;

(6) to demonstrate protocols and communication standards that facilitate vehicle integration into the grid and provide seamless charging for consumers traveling through multiple utility distribution systems;

(7) to investigate differences among deployment communities and to develop best practices for implementing vehicle electrification in various communities, including best practices for planning for and facilitating the construction of residential, workplace, and publicly available infrastructure to support plug-in electric drive vehicles;

(8) to collect comprehensive data on the purchase and use of plug-in electric drive vehicles, including charging profile data at unit and aggregate levels, to inform best practices for rapidly deploying plug-in electric drive vehicles in other locations, including for the installation of charging infrastructure;

(9) to reduce and displace petroleum use and reduce greenhouse gas emissions by accelerating the deployment of plug-in electric drive vehicles in the United States; and

(10) to increase domestic manufacturing capacity and commercialization in a manner that will establish the United States as a world leader in plug-in electric drive vehicle technologies.

(c) PHASE 1 DEPLOYMENT COMMUNITY SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary shall ensure, to the maximum extent practicable, that selected deployment communities in phase 1 serve as models of deployment for various communities across the United States.

(2) SELECTION.—In selecting communities under this section, the Secretary—

(A) shall ensure, to the maximum extent practicable, that—

(i) the combination of selected communities is diverse in population density, demographics, urban and suburban composition, typical commuting patterns, climate, and type of utility (including investor-owned, publicly-owned, cooperatively-owned, distribution-only, and vertically integrated utilities);

(ii) the combination of selected communities is diverse in geographic distribution, and at least 1 deployment community is located in each Petroleum Administration for Defense District;

(iii) at least 1 community selected has a population of less than 125,000;

(iv) grants are of a sufficient amount such that each deployment community will achieve significant market penetration; and

(v) the deployment communities are representative of other communities across the United States;

(B) is encouraged to select a combination of deployment communities that includes multiple models or approaches for deploying plug-in electric drive vehicles that the Secretary believes are reasonably likely to be effective, including multiple approaches to the deployment of charging infrastructure;

(C) in addition to the criteria described in subparagraph (A), may give preference to applicants proposing a greater non-Federal cost share; and

(D) when considering deployment community plans, shall take into account previous Department of Energy and other Federal investments to ensure that the maximum domestic benefit from Federal investments is realized.

(3) CRITERIA.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and not later than 90 days after the date on which any subsequent amounts are appropriated for the Program, the Secretary shall publish criteria for the selection of deployment communities that include requirements that applications be submitted by a State, tribal, or local government entity (or groups of State, tribal, or local government entities).

(B) APPLICATION REQUIREMENTS.—The criteria published by the Secretary under subparagraph (A) shall include application requirements that, at a minimum, include—

(i) goals for—

(I) the number of plug-in electric drive vehicles to be deployed in the community;

(II) the expected percentage of light-duty vehicle sales that would be sales of plug-in electric drive vehicles; and

(III) the adoption of plug-in electric drive vehicles (including medium- or heavy-duty vehicles) in private and public fleets during the 3-year duration of the Program;

(ii) data that demonstrate that—

(I) the public is likely to embrace plug-in electric drive vehicles, which may include—

(aa) the quantity of plug-in electric drive vehicles purchased;

(bb) the number of individuals on a waiting list to purchase a plug-in electric drive vehicle;

(cc) projections of the quantity of plug-in electric drive vehicles supplied to dealers; and

(dd) any assessment of the quantity of charging infrastructure installed or for which permits have been issued; and

(II) automobile manufacturers and dealers will be able to provide and service the targeted number of plug-in electric drive vehicles in the community for the duration of the program;

(iii) clearly defined geographic boundaries of the proposed deployment area;

(iv) a community deployment plan for the deployment of plug-in electric drive vehicles, charging infrastructure, and services in the deployment community;

(v) assurances that a majority of the vehicle deployments anticipated in the plan will be personal vehicles authorized to travel on the United States Federal-aid system of highways, and secondarily, private or public sector plug-in electric drive fleet vehicles, but may also include—

(I) medium- and heavy-duty plug-in hybrid vehicles;

(II) low speed plug-in electric drive vehicles that meet Federal Motor Vehicle Safety Standards described in section 571.500 of title 49, Code of Federal Regulations; and

(III) any other plug-in electric drive vehicle authorized to travel on the United States Federal-aid system of highways; and

(vi) any other merit-based criteria, as determined by the Secretary.

(4) COMMUNITY DEPLOYMENT PLANS.—Plans for the deployment of plug-in electric drive vehicles shall include—

(A) a proposed level of cost sharing in accordance with subsection (d)(2)(C);

(B) documentation demonstrating a substantial partnership with relevant stakeholders, including—

(i) a list of stakeholders that includes—

(I) elected and appointed officials from each of the participating State, local, and tribal governments;

(II) all relevant generators and distributors of electricity;

(III) State utility regulatory authorities;

(IV) departments of public works and transportation;

(V) owners and operators of property that will be essential to the deployment of a sufficient level of publicly available charging infrastructure (including privately owned parking lots or structures and commercial entities with public access locations);

(VI) plug-in electric drive vehicle manufacturers or retailers;

(VII) third-party providers of residential, workplace, private, and publicly available charging infrastructure or services;

(VIII) owners of any major fleet that will participate in the program;

(IX) as appropriate, owners and operators of regional electric power distribution and transmission facilities; and

(X) as appropriate, other existing community coalitions recognized by the Department of Energy;

(ii) evidence of the commitment of the stakeholders to participate in the partnership;

(iii) a clear description of the role and responsibilities of each stakeholder; and

(iv) a plan for continuing the engagement and participation of the stakeholders, as appropriate, throughout the implementation of the deployment plan;

(C) a description of the number of plug-in electric drive vehicles anticipated to be plug-in electric drive personal vehicles and the number of plug-in electric drive vehicles anticipated to be privately owned fleet or public fleet vehicles;

(D) a plan for deploying residential, workplace, private, and publicly available charging infrastructure, including—

(i) an assessment of the number of consumers who will have access to private residential charging infrastructure in single-family or multifamily residences;

(ii) options for accommodating plug-in electric drive vehicle owners who are not able to charge vehicles at their place of residence;

(iii) an assessment of the number of consumers who will have access to workplace charging infrastructure;

(iv) a plan for ensuring that the charging infrastructure or plug-in electric drive vehicle be able to send and receive the information needed to interact with the grid and be compatible with smart grid technologies to the extent feasible;

(v) an estimate of the number and dispersion of publicly and privately owned charging stations that will be publicly or commercially available;

(vi) an estimate of the quantity of charging infrastructure that will be privately funded or located on private property; and

(vii) a description of equipment to be deployed, including assurances that, to the maximum extent practicable, equipment to be deployed will meet open, nonproprietary standards for connecting to plug-in electric drive vehicles that are either—

(I) commonly accepted by industry at the time the equipment is being acquired; or

(II) meet the standards developed by the Director of the National Institute of Standards and Technology under section 1305 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17385);

(E) a plan for effective marketing of and consumer education relating to plug-in electric drive vehicles, charging services, and infrastructure;

(F) descriptions of updated building codes (or a plan to update building codes before or during the grant period) to include charging infrastructure or dedicated circuits for charging infrastructure, as appropriate, in new construction and major renovations;

(G) descriptions of updated construction permitting or inspection processes (or a plan to update construction permitting or inspection processes) to allow for expedited installation of charging infrastructure for purchasers of plug-in electric drive vehicles, including a permitting process that allows a vehicle purchaser to have charging infrastructure installed in a timely manner;

(H) descriptions of updated zoning, parking rules, or other local ordinances as are necessary to facilitate the installation of publicly available charging infrastructure and to allow for access to publicly available charging infrastructure, as appropriate;

(I) a plan to ensure that each resident in a deployment community who purchases and registers a new plug-in electric drive vehicle throughout the duration of the deployment community receives, in addition to any Federal incentives, consumer benefits that may include—

(i) a rebate of part of the purchase price of the vehicle;

(ii) reductions in sales taxes or registration fees;

(iii) rebates or reductions in the costs of permitting, purchasing, or installing home plug-in electric drive vehicle charging infrastructure; and

(iv) rebates or reductions in State or local toll road access charges;

(J) additional consumer benefits, such as preferred parking spaces or single-rider access to high-occupancy vehicle lanes for plug-in electric drive vehicles;

(K) a proposed plan for making necessary utility and grid upgrades, including economically sound and cybersecure information technology upgrades and employee training, and a plan for recovering the cost of the upgrades;

(L) a description of utility, grid operator, or third-party charging service provider, policies and plans for accommodating the deployment of plug-in electric drive vehicles, including—

(i) rate structures or provisions and billing protocols for the charging of plug-in electric drive vehicles;

(ii) analysis of potential impacts to the grid;

(iii) plans for using information technology or third-party aggregators—

(I) to minimize the effects of charging on peak loads;

(II) to enhance reliability; and

(III) to provide other grid benefits;

(iv) plans for working with smart grid technologies or third-party aggregators for the purposes of smart charging and for allowing 2-way communication;

(M) a deployment timeline;

(N) a plan for monitoring and evaluating the implementation of the plan, including metrics for assessing the success of the deployment and an approach to updating the plan, as appropriate; and

(O) a description of the manner in which any grant funds applied for under subsection (d) will be used and the proposed local cost share for the funds.

(d) PHASE 1 APPLICATIONS AND GRANTS.—

(1) APPLICATIONS.—

(A) IN GENERAL.—Not later than 150 days after the date of publication by the Secretary of selection criteria described in subsection (c)(3), any State, tribal, or local government, or group of State, tribal, or local governments may apply to the Secretary to become a deployment community.

(B) JOINT SPONSORSHIP.—

(i) IN GENERAL.—An application submitted under subparagraph (A) may be jointly sponsored by electric utilities, automobile manufacturers, technology providers, carsharing companies or organizations, third-party plug-in electric drive vehicle service providers, or other appropriated entities.

(ii) DISBURSEMENT OF GRANTS.—A grant provided under this subsection shall only be disbursed to a State, tribal, or local government, or group of State, tribal, or local governments, regardless of whether the application is jointly sponsored under clause (i).

(2) GRANTS.—

(A) IN GENERAL.—In each application, the applicant may request up to $100,000,000 in financial assistance from the Secretary to fund projects in the deployment community.

(B) USE OF FUNDS.—Funds provided through a grant under this paragraph may be used to help implement the plan for the deployment of plug-in electric drive vehicles included in the application, including—

(i) planning for and installing charging infrastructure, including offering additional incentives as described in subsection (c)(4)(I);

(ii) updating building codes, zoning or parking rules, or permitting or inspection processes as described in subparagraphs (F), (G), and (H) of subsection (c)(4);

(iii) reducing the cost and increasing the consumer adoption of plug-in electric drive vehicles through incentives as described in subsection (c)(4)(I);

(iv) workforce training, including training of permitting officials;

(v) public education and marketing described in the proposed marketing plan;

(vi) shifting State, tribal, or local government fleets to plug-in electric drive vehicles, at a rate in excess of the existing alternative fueled fleet vehicle acquisition requirements for Federal fleets under section 303(b)(1)(D) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)(D)); and

(vii) necessary utility and grid upgrades as described in subsection (c)(4)(K).

(C) COST-SHARING.—

(i) IN GENERAL.—A grant provided under this paragraph shall be subject to a minimum non-Federal cost-sharing requirement of 20 percent.

(ii) NON-FEDERAL SOURCES.—The Secretary shall—

(I) determine the appropriate cost share for each selected applicant; and

(II) require that the Federal contribution to total expenditures on activities described in clauses (ii), (iv), (v), and (vi) of subparagraph (B) not exceed 30 percent.

(iii) REDUCTION.—The Secretary may reduce or eliminate the cost-sharing requirement described in clause (i), as the Secretary determines to be necessary.

(iv) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal share under this section, the Secretary—

(I) may include allowable costs in accordance with the applicable cost principles, including—

(aa) cash;

(bb) personnel costs;

(cc) the value of a service, other resource, or third party in-kind contribution determined in accordance with the applicable circular of the Office of Management and Budget;

(dd) indirect costs or facilities and administrative costs; or

(ee) any funds received under the power program of the Tennessee Valley Authority or any Power Marketing Administration (except to the extent that such funds are made available under an annual appropriation Act);

(II) shall include contributions made by State, tribal, or local government entities and private entities; and

(III) shall not include—

(aa) revenues or royalties from the prospective operation of an activity beyond the time considered in the grant;

(bb) proceeds from the prospective sale of an asset of an activity; or

(cc) other appropriated Federal funds.

(v) REPAYMENT OF FEDERAL SHARE.—The Secretary shall not require repayment of the Federal share of a cost-shared activity under this section as a condition of providing a grant.

(vi) TITLE TO PROPERTY.—The Secretary may vest title or other property interests acquired under projects funded under this title in any entity, including the United States.

(3) SELECTION.—Not later than 120 days after an application deadline has been established under paragraph (1), the Secretary shall announce the names of the deployment communities selected under this subsection.

(e) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall—

(A) determine what data will be required to be collected by participants in deployment communities and submitted to the Department to allow for analysis of the deployment communities;

(B) provide for the protection of consumer privacy, as appropriate; and

(C) develop metrics to evaluate the performance of the deployment communities.

(2) PROVISION OF DATA.—As a condition of participation in the Program, a deployment community shall provide any data identified by the Secretary under paragraph (1).

(3) REPORTS.—Not later than 3 years after the date of enactment of this Act and again after the completion of the Program, the Secretary shall submit to Congress a report that contains—

(A) a description of the status of—

(i) the deployment communities and the implementation of the deployment plan of each deployment community;

(ii) the rate of vehicle deployment and market penetration of plug-in electric drive vehicles; and

(iii) the deployment of residential and publicly available infrastructure;

(B) a description of the challenges experienced and lessons learned from the program to date, including the activities described in subparagraph (A); and

(C) an analysis of the data collected under this subsection.

(f) PROPRIETARY INFORMATION.—The Secretary shall, as appropriate, provide for the protection of proprietary information and intellectual property rights.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000,000.

(h) CONFORMING AMENDMENT.—Section 166(b)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''Before September 30, 2009, the State'' and inserting ''The State''; and

(2) in subparagraph (B), by striking ''Before September 30, 2009, the State'' and inserting ''The State''.

SEC. 2117. FUNDING.

(a) TARGETED PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT COMMUNITIES PROGRAM.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out section 2116 $400,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out section 2116 the funds transferred under paragraph (1), without further appropriation.

(b) OTHER PROVISIONS.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subtitle (other than section 2116) $100,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subtitle (other than section 2116) the funds transferred under paragraph (1), without further appropriation.

Subtitle B—Research and Development

SEC. 2121. RESEARCH AND DEVELOPMENT PROGRAM.

(a) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish a program to fund research and development in advanced batteries, plug-in electric drive vehicle components, plug-in electric drive infrastructure, and other technologies supporting the development, manufacture, and deployment of plug-in electric drive vehicles and charging infrastructure.

(2) USE OF FUNDS.—The program may include funding for—

(A) the development of low-cost, smart-charging and vehicle-to-grid connectivity technology;

(B) the benchmarking and assessment of open software systems using nationally established evaluation criteria; and

(C) new technologies in electricity storage or electric drive components for vehicles.

(3) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of the program described in paragraph (1).

(b) SECONDARY USE APPLICATIONS PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall carry out a research, development, and demonstration program that builds upon any work carried out under section 915 of the Energy Policy Act of 2005 (42 U.S.C. 16195) and—

(A) identifies possible uses of a vehicle battery after the useful life of the battery in a vehicle has been exhausted;

(B) assesses the potential for markets for uses described in subparagraph (A) to develop, as well as any barriers to the development of the markets;

(C) identifies the infrastructure, technology, and equipment needed to manage the charging activity of the batteries used in stationary sources; and

(D) identifies the potential uses of a vehicle battery—

(i) with the most promise for market development; and

(ii) for which market development would be aided by a demonstration project.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress an initial report on the findings of the program described in paragraph (1), including recommendations for stationary energy storage and other potential applications for batteries used in plug-in electric drive vehicles.

(c) SECONDARY USE DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Based on the results of the program described in subsection (b), the Secretary, in consultation with the Committee, shall develop guidelines for projects that demonstrate the secondary uses of vehicle batteries.

(2) PUBLICATION OF GUIDELINES.—Not later than 30 months after the date of enactment of this Act, the Secretary shall—

(A) publish the guidelines described in paragraph (1); and

(B) solicit applications for funding for demonstration projects.

(3) GRANT PROGRAM.—Not later than 38 months after the date of enactment of this Act, the Secretary shall select proposals for grant funding under this section, based on an assessment of which proposals are mostly likely to contribute to the development of a secondary market for batteries.

(d) MATERIALS RECYCLING STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall carry out a study on the recycling of materials from plug-in electric drive vehicles and the batteries used in plug-in electric drive vehicles.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the study described in paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,535,000,000, including—

(1) $1,500,000,000 for use in conducting the program described in subsection (a) for fiscal years 2011 through 2020;

(2) $5,000,000 for use in conducting the program described in subsection (b) for fiscal years 2011 through 2016;

(3) $25,000,000 for use in providing grants described in subsection (c) for fiscal years 2011 through 2020; and

(4) $5,000,000 for use in conducting the study described in subsection (d) for fiscal years 2011 through 2013.

SEC. 2122. ADVANCED BATTERIES FOR TOMORROW PRIZE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, as part of the program described in section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish the Advanced Batteries for Tomorrow Prize to competitively award cash prizes in accordance with this section to advance the research, development, demonstration, and commercial application of a 500-mile vehicle battery.

(b) BATTERY SPECIFICATIONS.—

(1) IN GENERAL.—To be eligible for the Prize, a battery submitted by an entrant shall be—

(A) able to power a plug-in electric drive vehicle authorized to travel on the United States Federal-aid system of highways for at least 500 miles before recharging;

(B) of a size that would not be cost-prohibitive or create space constraints, if mass-produced; and

(C) cost-effective (measured in cost per kilowatt hour), if mass-produced.

(2) ADDITIONAL REQUIREMENTS.—The Secretary, in consultation with the Committee, shall establish any additional battery specifications that the Secretary and the Committee determine to be necessary.

(c) PRIVATE FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(2) RESTRICTION ON PARTICIPATION.—An entity providing private funds for the Prize may not participate in the competition for the Prize.

(d) TECHNICAL REVIEW.—The Secretary, in consultation with the Committee, shall establish a technical review committee composed of non-Federal officers to review data submitted by Prize entrants under this section and determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may select, on a competitive basis, a third party to administer awards provided under this section.

(f) ELIGIBILITY.—To be eligible for an award under this section—

(1) in the case of a private entity, the entity shall be incorporated in and maintain a primary place of business in the United States; and

(2) in the case of an individual (whether participating as a single individual or in a group), the individual shall be a citizen or lawful permanent resident of the United States.

(g) AWARD AMOUNTS.—

(1) IN GENERAL.—Subject to the availability of funds to carry out this section, the amount of the Prize shall be $10,000,000.

(2) BREAKTHROUGH ACHIEVEMENT AWARDS.—In addition to the award described in paragraph (1), the Secretary, in consultation with the technical review committee established under subsection (d), may award cash prizes, in amounts determined by the Secretary, in recognition of breakthrough achievements in research, development, demonstration, and commercial application of—

(A) activities described in subsection (b); or

(B) advances in battery durability, energy density, and power density.

(h) 500-MILE BATTERY AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''500-mile Battery Fund'' (referred to in this section as the ''Fund''), to be administered by the Secretary, to be available without fiscal year limitation and subject to appropriation, to award amounts under this section.

(2) TRANSFERS TO FUND.—The Fund shall consist of—

(A) such amounts as are appropriated to the Fund under subsection (i); and

(B) such amounts as are described in subsection (c) and that are provided for the Fund.

(3) PROHIBITION.—Amounts in the Fund may not be made available for any purpose other than a purposes described in subsection (a).

(4) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2012, the Secretary shall submit a report on the operation of the Fund during the fiscal year to—

(i) the Committees on Appropriations of the House of Representatives and of the Senate;

(ii) the Committee on Energy and Natural Resources of the Senate; and

(iii) the Committee on Energy and Commerce of the House of Representatives.

(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

(i) A statement of the amounts deposited into the Fund.

(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.

(5) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended—

(A) by redesignating paragraphs (35) and (36) as paragraphs (36) and (37), respectively;

(B) by redesignating the second paragraph (33) (relating to obligational authority and outlays requested for homeland security) as paragraph (35); and

(C) by adding at the end the following:

''(38) a separate statement for the 500-mile Battery Fund established under section 8(h) of the 'Promoting Electric Vehicles Act of 2010', which shall include the estimated amount of deposits into the Fund, obligations, and outlays from the Fund.''.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(1) $10,000,000 to carry out subsection (g)(1); and

(2) $1,000,000 to carry out subsection (g)(2).

SEC. 2123. STUDY ON THE SUPPLY OF RAW MATERIALS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary and the Task Force, shall conduct a study that—

(1) identifies the raw materials needed for the manufacture of plug-in electric drive vehicles, batteries, and other components for plug-in electric drive vehicles, and for the infrastructure needed to support plug-in electric drive vehicles;

(2) describes the primary or original sources and known reserves and resources of those raw materials;

(3) assesses, in consultation with the National Academy of Sciences, the degree of risk to the manufacture, maintenance, deployment, and use of plug-in electric drive vehicles associated with the supply of those raw materials; and

(4) identifies pathways to securing reliable and resilient supplies of those raw materials.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report that describes the results of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,500,000.

SEC. 2124. STUDY ON THE COLLECTION AND PRESERVATION OF DATA COLLECTED FROM PLUG-IN ELECTRIC DRIVE VEHICLES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Committee, shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study that—

(1) identifies—

(A) the data that may be collected from plug-in electric drive vehicles, including data on the location, charging patterns, and usage of plug-in electric drive vehicles;

(B) the scientific, economic, commercial, security, and historic potential of the data described in subparagraph (A); and

(C) any laws or regulations that relate to the data described in subparagraph (A); and

(2) analyzes and provides recommendations on matters that include procedures, technologies, and rules relating to the collection, storage, and preservation of the data described in paragraph (1)(A).

(b) REPORT.—Not later than 15 months after the date of an agreement between the Secretary and the Academy under subsection (a), the National Academy of Sciences shall submit to the appropriate committees of Congress a report that describes the results of the study under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

Subtitle C—Miscellaneous

SEC. 2131. UTILITY PLANNING FOR PLUG-IN ELECTRIC DRIVE VEHICLES.

(a) IN GENERAL.—The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended—

(1) in section 111(d) (16 U.S.C. 2621(d)), by adding at the end the following:

''(20) PLUG-IN ELECTRIC DRIVE VEHICLE PLANNING.—

''(A) UTILITY PLAN FOR PLUG-IN ELECTRIC DRIVE VEHICLES.—

''(i) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, each electric utility shall develop a plan to support the use of plug-in electric drive vehicles, including medium- and heavy-duty hybrid electric vehicles in the service area of the electric utility.

''(ii) REQUIREMENTS.—A plan under clause (i) shall investigate—

''(I) various levels of potential penetration of plug-in electric drive vehicles in the utility service area;

''(II) the potential impacts that the various levels of penetration and charging scenarios (including charging rates and daily hours of charging) would have on generation, distribution infrastructure, and the operation of the transmission grid; and

''(III) the role of third parties in providing reliable and economical charging services.

''(iii) WAIVER.—

''(I) IN GENERAL.—An electric utility that determines that the electric utility will not be impacted by plug-in electric drive vehicles during the 5-year period beginning on the date of enactment of this paragraph may petition the Secretary to waive clause (i) for 5 years.

''(II) APPROVAL.—Approval of a waiver under subclause (I) shall be in the sole discretion of the Secretary.

''(iv) UPDATES.—

''(I) IN GENERAL.—Each electric utility shall update the plan of the electric utility every 5 years.

''(II) RESUBMISSION OF WAIVER.—An electric utility that received a waiver under clause (iii) and wants the waiver to continue after the expiration of the waiver shall be required to resubmit the waiver.

''(v) EXEMPTION.—If the Secretary determines that a plan required by a State regulatory authority meets the requirements of this paragraph, the Secretary may accept that plan and exempt the electric utility submitting the plan from the requirements of clause (i).

''(B) SUPPORT REQUIREMENTS.—Each State regulatory authority (in the case of each electric utility for which the authority has ratemaking authority) and each municipal and cooperative utility shall—

''(i) participate in any local plan for the deployment of recharging infrastructure in communities located in the footprint of the authority or utility;

''(ii) require that charging infrastructure deployed is interoperable with products of all auto manufacturers to the maximum extent practicable; and

''(iii) consider adopting minimum requirements for deployment of electrical charging infrastructure and other appropriate requirements necessary to support the use of plug-in electric drive vehicles.

''(C) COST RECOVERY.—Each State regulatory authority (in the case of each electric utility for which the authority has ratemaking authority) and each municipal and cooperative utility may consider whether, and to what extent, to allow cost recovery for plans and implementation of plans.

''(D) DETERMINATION.—Not later than 3 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority), and each municipal and cooperative electric utility, shall complete the consideration, and shall make the determination, referred to in subsection (a) with respect to the standard established by this paragraph.'';

(2) in section 112(c) (16 U.S.C. 2622(c))—

(A) in the first sentence, by striking ''Each State'' and inserting the following:

''(1) IN GENERAL.—Each State'';

(B) in the second sentence, by striking ''In the case'' and inserting the following:

''(2) SPECIFIC STANDARDS.—

''(A) NET METERING AND FOSSIL FUEL GENERATION EFFICIENCY.—In the case'';

(C) in the third sentence, by striking ''In the case'' and inserting the following:

''(B) TIME-BASED METERING AND COMMUNICATIONS.—In the case'';

(D) in the fourth sentence—

(i) by striking ''In the case'' and inserting the following:

''(C) INTERCONNECTION.—In the case''; and

(ii) by striking ''paragraph (15)'' and inserting ''paragraph (15) of section 111(d)'';

(E) in the fifth sentence, by striking ''In the case'' and inserting the following:

''(D) INTEGRATED RESOURCE PLANNING, RATE DESIGN MODIFICATIONS, SMART GRID INVESTMENTS, SMART GRID INFORMATION.—In the case''; and

(F) by adding at the end the following:

''(E) PLUG-IN ELECTRIC DRIVE VEHICLE PLANNING.—In the case of the standards established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph.''; and

(3) in section 112(d) (16 U.S.C. 2622(d)), in the matter preceding paragraph (1), by striking ''(19)'' and inserting ''(20)''.

(b) REPORT.—

(1) IN GENERAL.—The Secretary, in consultation with the Technical Advisory Committee, shall convene a group of utility stakeholders, charging infrastructure providers, third party aggregators, and others, as appropriate, to discuss and determine the potential models for the technically and logistically challenging issues involved in using electricity as a fuel for vehicles, including—

(A) accommodation for billing for charging a plug-in electric drive vehicle, both at home and at publicly available charging infrastructure;

(B) plans for anticipating vehicle to grid applications that will allow batteries in cars as well as banks of batteries to be used for grid storage, ancillary services provision, and backup power;

(C) integration of plug-in electric drive vehicles with smart grid, including protocols and standards, necessary equipment, and information technology systems; and

(D) any other barriers to installing sufficient and appropriate charging infrastructure.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) the issues and model solutions described in paragraph (1); and

(B) any other issues that the Task Force and Secretary determine to be appropriate.

SEC. 2132. LOAN GUARANTEES.

(a) LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES FOR USE IN STATIONARY APPLICATIONS.—Subtitle B of title I of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011 et seq.) is amended by adding at the end the following:

''SEC. 137. LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES.

''(a) DEFINITIONS.—In this section:

''(1) QUALIFIED AUTOMOTIVE BATTERY.—The term 'qualified automotive battery' means a battery that—

''(A) has at least 4 kilowatt hours of battery capacity; and

''(B) is designed for use in qualified plug-in electric drive motor vehicles but is purchased for nonautomotive applications.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an original equipment manufacturer;

''(B) an electric utility;

''(C) any provider of range extension infrastructure; or

''(D) any other qualified entity, as determined by the Secretary.

''(b) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary shall guarantee loans made to eligible entities for the aggregate purchase of not less than 200 qualified automotive batteries in a calendar year that have a total minimum power rating of 1 megawatt and use advanced battery technology.

''(2) RESTRICTION.—As a condition of receiving a loan guarantee under this section, an entity purchasing qualified automotive batteries with loan funds guaranteed under this section shall comply with the provisions of the Buy American Act (41 U.S.C. 10a et seq.).

''(c) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000.''.

(b) LOAN GUARANTEES FOR CHARGING INFRASTRUCTURE.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Charging infrastructure and networks of charging infrastructure for plug-in drive electric vehicles, if the charging infrastructure will be operational prior to December 31, 2016.''.

SEC. 2133. PROHIBITION ON DISPOSING OF ADVANCED BATTERIES IN LANDFILLS.

(a) DEFINITION OF ADVANCED BATTERY.—

(1) IN GENERAL.—In this section, the term ''advanced battery'' means a battery that is a secondary (rechargeable) electrochemical energy storage device that has enhanced energy capacity.

(2) EXCLUSIONS.—The term ''advanced battery'' does not include—

(A) a primary (nonrechargeable) battery; or

(B) a lead-acid battery that is used to start or serve as the principal electrical power source for a plug-in electric drive vehicle.

(b) REQUIREMENT.—An advanced battery from a plug-in electric drive vehicle shall be disposed of in accordance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ''Resource Conservation and Recovery Act of 1976'').

SEC. 2134. PLUG-IN ELECTRIC DRIVE VEHICLE TECHNICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—There is established the Plug-in Electric Drive Vehicle Technical Advisory Committee to advise the Secretary on the programs and activities under this title.

(b) MISSION.—The mission of the Committee shall be to advise the Secretary on technical matters, including—

(1) the priorities for research and development;

(2) means of accelerating the deployment of safe, economical, and efficient plug-in electric drive vehicles for mass market adoption;

(3) the development and deployment of charging infrastructure;

(4) the development of uniform codes, standards, and safety protocols for plug-in electric drive vehicles and charging infrastructure; and

(5) reporting on the competitiveness of the United States in plug-in electric drive vehicle and infrastructure research, manufacturing, and deployment.

(c) MEMBERSHIP.—

(1) MEMBERS.—

(A) IN GENERAL.—The Committee shall consist of not less than 12, but not more than 25, members.

(B) REPRESENTATION.—The Secretary shall appoint the members to Committee from among representatives of—

(i) domestic industry;

(ii) institutions of higher education;

(iii) professional societies;

(iv) Federal, State, and local governmental agencies (including the National Laboratories); and

(v) financial, transportation, labor, environmental, electric utility, or other appropriate organizations or individuals with direct experience in deploying and marketing plug-in electric drive vehicles, as the Secretary determines to be necessary.

(2) TERMS.—

(A) IN GENERAL.—The term of a Committee member shall not be longer than 3 years.

(B) STAGGERED TERMS.—The Secretary may appoint members to the Committee for differing term lengths to ensure continuity in the functioning of the Committee.

(C) REAPPOINTMENTS.—A member of the Committee whose term is expiring may be reappointed.

(3) CHAIRPERSON.—The Committee shall have a chairperson, who shall be elected by and from the members.

(d) REVIEW.—The Committee shall review and make recommendations to the Secretary on the implementation of programs and activities under this title.

(e) RESPONSE.—

(1) IN GENERAL.—The Secretary shall consider and may adopt any recommendation of the Committee under subsection (c).

(2) BIENNIAL REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report describing any new recommendations of the Committee.

(B) CONTENTS.—The report shall include—

(i) a description of the manner in which the Secretary has implemented or plans to implement the recommendations of the Committee; or

(ii) an explanation of the reason that a recommendation of the Committee has not been implemented.

(C) TIMING.—The report described in this paragraph shall be submitted by the Secretary at the same time the President submits the budget proposal for the Department of Energy to Congress.

(f) COORDINATION.—The Committee shall—

(1) hold joint annual meetings with the Hydrogen and Fuel Cell Technical Advisory Committee established by section 807 of the Energy Policy Act of 2005 (42 U.S.C. 16156) to help coordinate the work and recommendations of the Committees; and

(2) coordinate efforts, to the maximum extent practicable, with all existing independent, departmental, and other advisory Committees, as determined to be appropriate by the Secretary.

(g) SUPPORT.—The Secretary shall provide to the Committee the resources necessary to carry out this section, as determined to be necessary by the Secretary.

SEC. 2135. PLUG-IN ELECTRIC DRIVE VEHICLE INTERAGENCY TASK FORCE.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the President shall establish the Plug-in Electric Drive Vehicle Interagency Task Force, to be chaired by the Secretary and which shall consist of at least 1 representative from each of—

(1) the Office of Science and Technology Policy;

(2) the Council on Environmental Quality;

(3) the Department of Energy;

(4) the Department of Transportation;

(5) the Department of Defense;

(6) the Department of Commerce (including the National Institute of Standards and Technology);

(7) the Environmental Protection Agency;

(8) the General Services Administration; and

(9) any other Federal agencies that the President determines to be appropriate.

(b) MISSION.—The mission of the Task Force shall be to ensure awareness, coordination, and integration of the activities of the Federal Government relating to plug-in electric drive vehicles, including—

(1) plug-in electric drive vehicle research and development (including necessary components);

(2) the development of widely accepted smart-grid standards and protocols for charging infrastructure;

(3) the relationship of plug-in electric drive vehicle charging practices to electric utility regulation;

(4) the relationship of plug-in electric drive vehicle deployment to system reliability and security;

(5) the general deployment of plug-in electric drive vehicles in the Federal, State, and local governments and for private use;

(6) the development of uniform codes, standards, and safety protocols for plug-in electric drive vehicles and charging infrastructure; and

(7) the alignment of international plug-in electric drive vehicle standards.

(c) ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section, the Task Force may—

(A) organize workshops and conferences;

(B) issue publications; and

(C) create databases.

(2) MANDATORY ACTIVITIES.—In carrying out this section, the Task Force shall—

(A) foster the exchange of generic, nonproprietary information and technology among industry, academia, and the Federal Government;

(B) integrate and disseminate technical and other information made available as a result of the programs and activities under this title;

(C) support education about plug-in electric drive vehicles;

(D) monitor, analyze, and report on the effects of plug-in electric drive vehicle deployment on the environment and public health, including air emissions from vehicles and electricity generating units; and

(E) review and report on—

(i) opportunities to use Federal programs (including laws, regulations, and guidelines) to promote the deployment of plug-in electric drive vehicles; and

(ii) any barriers to the deployment of plug-in electric drive vehicles, including barriers that are attributable to Federal programs (including laws, regulations, and guidelines).

(d) AGENCY COOPERATION.—A Federal agency—

(1) shall cooperate with the Task Force; and

(2) provide, on request of the Task Force, appropriate assistance in carrying out this section, in accordance with applicable Federal laws (including regulations).

DIVISION C—CLEAN ENERGY JOBS AND CONSUMER SAVINGS

TITLE XXX—HOME STAR RETROFIT REBATE PROGRAM

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Home Star Retrofit Act of 2010''.

SEC. 3002. DEFINITIONS.

In this title:

(1) ACCREDITED CONTRACTOR.—The term ''accredited contractor'' means a residential energy efficiency contractor that meets the minimum applicable requirements established under subsections (a) and (b) of section 3004.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) BPI.—The term ''BPI'' means the Building Performance Institute.

(4) CERTIFIED WORKFORCE.—The term ''certified workforce'' means a residential efficiency construction workforce in which all persons performing installation work in the areas of building envelope retrofits, duct sealing, or any other additional skill category designated by the Secretary of Labor, in consultation with stakeholders and the Secretary of Energy, are certified through an existing certification that covers the appropriate job skills under—

(A) an applicable third party skills standard established—

(i) by the BPI;

(ii) by the North American Technician Excellence;

(iii) by the Laborers' International Union of North America;

(B) an applicable third party skills standard established in the State in which the work is to be performed, pursuant to a program operated by the Home Builders Institute in connection with Ferris State University, to be effective beginning on the date that is 30 days after the date notice is provided by those organizations to the Secretary that the program has been established in the State unless the Secretary determines, not later than 30 days after the date of the notice, that the standard or certification does not equal in quality the standards and certifications described in subparagraph (A); or

(C) other standards that the Secretary shall approve not later than 30 days after the date of submission, in consultation with the Secretary of Labor and the Administrator.

(5) CONDITIONED SPACE.—The term ''conditioned space'' means the area of a home that is—

(A) intended for habitation; and

(B) intentionally heated or cooled.

(6) CONTRACTOR.—The term ''contractor'' means a residential efficiency contracting business entity.

(7) DOE.—The term ''DOE'' means the Department of Energy.

(8) ELECTRIC UTILITY.—The term ''electric utility'' means any person or State agency that delivers or sells electric energy at retail, including nonregulated utilities and utilities that are subject to State regulation and Federal power marketing administrations.

(9) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(10) FEDERAL REBATE PROCESSING SYSTEM.—The term ''Federal Rebate Processing System'' means the Federal Rebate Processing System established under section 3003(b).

(11) GOLD STAR HOME RETROFIT PROGRAM.—The term ''Gold Star Home Retrofit Program'' means the Gold Star Home Retrofit Program established under section 3008.

(12) HOME.—The term ''home'' means a principal residential dwelling unit in a building with no more than 4 dwelling units that—

(A) is located in the United States; and

(B) was constructed before the date of enactment of this Act.

(13) HOMEOWNER.—The term ''homeowner'' means the resident or non-resident owner of record of a home.

(14) HOME STAR LOAN PROGRAM.—The term ''Home Star loan program'' means the Home Star efficiency loan program established under section 3015(a).

(15) HOME STAR RETROFIT REBATE PROGRAM.—The term ''Home Star Retrofit Rebate Program'' means the Home Star Retrofit Rebate Program established under section 3003(a).

(16) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(17) NATURAL GAS UTILITY.—The term ''natural gas utility'' means any person or State agency that transports, distributes, or sells natural gas at retail, including nonregulated utilities and utilities that are subject to State regulation.

(18) QUALIFIED CONTRACTOR.—The term ''qualified contractor'' means a contractor that meets minimum applicable requirements established under section 3004(a).

(19) QUALITY ASSURANCE FRAMEWORK.—The term ''quality assurance framework'' means a policy adopted by a State to develop high standards for ensuring quality in ongoing efficiency retrofit activities in which the State has a role, including operation of the quality assurance program and creating significant employment opportunities, in particular for targeted workers.

(20) QUALITY ASSURANCE PROGRAM.—

(A) IN GENERAL.—The term ''quality assurance program'' means a program established under this title or recognized by the Secretary under this title, to oversee the delivery of home efficiency retrofit programs to ensure that work is performed in accordance with standards and criteria established under this title.

(B) INCLUSIONS.—For purposes of subparagraph (A), delivery of retrofit programs includes delivery of quality assurance reviews of rebate applications and field inspections for a portion of customers receiving rebates and conducted by a quality assurance provider, with the consent of participating consumers and without delaying rebate payments to participating contractors.

(21) QUALITY ASSURANCE PROVIDER.—The term ''quality assurance provider'' means any entity that meets the minimum applicable requirements established under section 3006.

(22) REBATE AGGREGATOR.—The term ''rebate aggregator'' means an entity that meets the requirements of section 3005.

(23) RESNET.—The term ''RESNET'' means the Residential Energy Services Network, which is a nonprofit certification and standard setting organization for home energy raters that evaluate the energy performance of a home.

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

(25) SILVER STAR HOME RETROFIT PROGRAM.—The term ''Silver Star Home Retrofit Program'' means the Silver Star Home Retrofit Program established under section 3007.

(26) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the United States Virgin Islands; and

(H) any other territory or possession of the United States.

(27) TARGETED WORKER.—The term ''targeted worker'' means—

(A) an individual who (as determined by the Secretary of Labor, in consultation with the Secretary of Energy)—

(i) is old enough to be employed under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and State law;

(ii) resides in an area with high or chronic unemployment and low median household incomes; and

(iii) is unemployed or underemployed; or

(B) a veteran of Operation Iraqi Freedom or Operation Enduring Freedom.

(28) VENDOR.—The term ''vendor'' means any retailer that sells directly to homeowners and contractors the materials used for the savings measures under section 3007.

(29) WATERSENSE PRODUCT OR SERVICE.—The term ''WaterSense product or service'' means a water-efficient product or service that meets specifications established by the Administrator under the WaterSense Program of the Environmental Protection Agency.

SEC. 3003. HOME STAR RETROFIT REBATE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Home Star Retrofit Rebate Program.

(b) FEDERAL REBATE PROCESSING SYSTEM.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall—

(i) establish a Federal Rebate Processing System which shall serve as a database and information technology system that will allow rebate aggregators to submit claims for reimbursement using standard data protocols;

(ii) establish a national retrofit website that provides information on the Home Star Retrofit Rebate Program, including—

(I) how to determine whether particular efficiency measures are eligible for rebates; and

(II) how to participate in the program;

(iii) make available, on a designated website, model forms for compliance with all applicable requirements of this title, to be submitted by—

(I) each qualified contractor on completion of an eligible home retrofit;

(II) each quality assurance provider on completion of field verification; and

(III) each purchaser of a WaterSense product or service; and

(iv) subject to section 3016, provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(B) DISTRIBUTION OF FUNDS.—Not later than 10 days after the date of receipt of bundled rebate applications from a rebate aggregator, the Secretary shall distribute funds to the rebate aggregator on approved claims for reimbursement made to the Federal Rebate Processing System.

(C) FUNDING AVAILABILITY.—The Secretary shall post, on a weekly basis, on the national retrofit website established under subparagraph (A)(ii) information on—

(i) the total number of rebate claims approved for reimbursement; and

(ii) the total amount of funds disbursed for rebates.

(D) PROGRAM ADJUSTMENT OR TERMINATION.—Based on the information described in subparagraph (C), the Secretary shall announce a termination date and reserve funding to process the rebate applications that are in the Federal Rebate Processing System prior to the termination date to ensure that all valid applications made to the program for rebate reimbursement are paid.

(2) MODEL FORMS.—In carrying out this section, the Secretary shall consider the model forms developed by the National Home Performance Council.

(c) ADMINISTRATIVE AND TECHNICAL SUPPORT.—Effective beginning not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(d) PUBLIC INFORMATION CAMPAIGN.—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and implement a public education campaign that describes, at a minimum—

(1) the benefits of home energy and water-saving retrofits;

(2) the availability of rebates for—

(A) the installation of qualifying efficiency measures; and

(B) whole home efficiency improvements; and

(3) the requirements for qualified contractors and accredited contractors.

(e) LIMITATION.—Silver Star rebates provided under section 3007 and Gold Star rebates provided under section 3008 may be provided for the same home only if—

(1) Silver Star rebates are awarded prior to Gold Star rebates;

(2) savings obtained from measures under the Silver Star Home Retrofit Program are not counted towards the simulated savings that determine the value of a rebate under the Gold Star Home Retrofit Program; and

(3) the combined Silver Star and Gold Star rebates provided to the individual homeowner do not exceed $8,000.

(f) AVAILABILITY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall ensure that Home Star retrofit rebates are available to all homeowners in the United States to the maximum extent practicable.

SEC. 3004. CONTRACTORS.

(a) CONTRACTOR QUALIFICATIONS FOR SILVER STAR HOME RETROFIT PROGRAM.—A contractor may perform retrofit work under the Silver Star Home Retrofit Program only if the contractor meets or provides—

(1) all applicable contractor licensing requirements established by the applicable State or, if none exist at the State level, the Secretary;

(2) insurance coverage of at least $1,000,000 for general liability, and for such other purposes and in such other amounts as required by the State;

(3) warranties to homeowners that completed work will—

(A) be free of significant defects;

(B) be installed in accordance with the specifications of the manufacturer; and

(C) perform properly for a period of at least 1 year after the date of completion of the work;

(4) an agreement to provide the owner of a home, through a discount, the full economic value of all rebates received under this title with respect to the home; and

(5) an agreement to provide the homeowner, before a contract is executed between the contractor and a homeowner covering the eligible work, a notice of —

(A) the rebate amount the contractor intends to apply for with respect to eligible work under this title; and

(B) the means by which the rebate will be passed through as a discount to the homeowner.

(b) CONTRACTOR QUALIFICATIONS FOR GOLD STAR HOME RETROFIT PROGRAM.—

(1) IN GENERAL.—A contractor may perform retrofit work under the Gold Star Home Retrofit Program only if the contractor—

(A) meets the requirements for qualified contractors under subsection (a);

(B) is accredited—

(i) by the BPI; or

(ii) under other standards that the Secretary shall approve not later than 30 days after the date of submission, in consultation with the Administrator, under an equivalent accreditation approved by the Secretary under which the contractor, at a minimum—

(I) educates the consumer on the value of comprehensive energy retrofit work;

(II) meets whole house contracting standards in conducting home performance work relating to home energy auditing, health and safety testing, heating, air-conditioning, and heat pumps;

(III) employs sufficient levels of staff who are certified to the standards covering the appropriate whole house energy audits and retrofit upgrades;

(IV) maintains calibrated diagnostic equipment for use in conducting energy retrofitting, assessment, and health and safety testing on the house;

(V) records and maintains all project information for review during the quality assurance inspection;

(VI) maintains quality assurance records of internal reviews of the operation and performance of the business;

(VII) adopts a customer dispute resolution policy that establishes a specific time line in resolving any disputes with the consumer; and

(VIII) meets such other standards as are required by the Secretary;

(C) except as provided in paragraph (2), effective 1 year after the date on which funds are provided under this title, employs a certified workforce; and

(D) effective beginning 1 year after the date of enactment of this Act, meets all requirements of an applicable State quality assurance framework.

(2) EXCEPTION.—A contractor described in paragraph (1)(C) may employ a person who is not certified to perform installation work covered under section 3002(4) if the employee—

(A) has not worked for the contractor or on Home Star projects for a period of more than 180 days;

(B) is supervised on each project by a fellow employee who is certified under section 3002(4) to perform the applicable covered work;

(C) is the only person who performs covered installation work on a project and has not been certified under section 3002(4); and

(D) is directly employed by the contractor or the subcontractor of the contractor, and not self employed, or employed through a temporary employment agency, staffing service, or other intermediary.

(c) HEALTH AND SAFETY REQUIREMENTS.—Nothing in this title relieves any contractor from the obligation to comply with applicable Federal, State, and local health and safety code requirements.

SEC. 3005. REBATE AGGREGATORS.

(a) IN GENERAL.—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to participating contractors and vendors for discounts provided to homeowners for efficiency retrofit work.

(b) RESPONSIBILITIES.—Rebate aggregators shall—

(1) review the proposed rebate application for completeness and accuracy;

(2) review measures under the Silver Star Home Retrofit Program and savings under the Gold Star Home Retrofit Program for eligibility in accordance with this title;

(3) provide data to the Federal Data Processing Center consistent with data protocols established by the Secretary; and

(4) distribute funds received from DOE to contractors, vendors, or other persons.

(c) PROCESSING REBATE APPLICATIONS.—A rebate aggregator shall—

(1) submit the rebate application to the Federal Rebate Processing Center not later than 14 days after the date of receipt of a rebate application from a contractor; and

(2) distribute funds to the contractor not later than 6 days after the date of receipt from the Federal Rebate Processing System.

(d) ELIGIBILITY.—To be eligible to apply to the Secretary for approval as a rebate aggregator, an entity shall be—

(1) a Home Performance with Energy Star partner;

(2) an entity administering a residential efficiency retrofit program established or approved by a State;

(3) a Federal Power Marketing Administration, an electric utility, or a natural gas utility that has—

(A) an approved residential efficiency retrofit program; and

(B) an established quality assurance provider network; or

(4) an entity that demonstrates to the Secretary that the entity can perform the functions of an rebate aggregator, without disrupting existing residential retrofits in the States that are incorporating the Home Star Program, including demonstration of—

(A) corporate status or status as a State or local government;

(B) the capability to provide electronic data to the Federal Rebate Processing System;

(C) a financial system that is capable of tracking the distribution of rebates to participating contractors; and

(D) coordination and cooperation by the entity with the appropriate State office regarding participation in the existing efficiency programs that will be delivering the Home Star Program.

(e) APPLICATION TO BECOME A REBATE AGGREGATOR.—Not later than 30 days after the date of receipt of an application of an entity seeking to become a rebate aggregator, the Secretary shall approve or deny the application on the basis of the eligibility criteria under subsection (d).

(f) APPLICATION PRIORITY.—In reviewing applications from entities seeking to become rebate aggregators, the Secretary shall give priority to entities that commit—

(1) to reviewing applications for participation in the program from all qualified contractors within a defined geographic region; and

(2) to processing rebate applications more rapidly than the minimum requirements established under the program.

(g) PUBLIC UTILITY COMMISSION EFFICIENCY TARGETS.—The Secretary shall—

(1) develop guidelines for States to use to allow utilities participating as rebate aggregators to count the savings from the participation of the utilities toward State-level savings targets; and

(2) work with States to assist in the adoption of the guidelines for the purposes and duration of the Home Star Retrofit Rebate Program.

SEC. 3006. QUALITY ASSURANCE PROVIDERS.

(a) IN GENERAL.—An entity shall be considered a quality assurance provider under this title if the entity—

(1) is independent of the contractor;

(2) confirms the qualifications of contractors or installers of home efficiency retrofits;

(3) confirms compliance with the requirements of a ''certified workforce''; and

(4) performs field inspections and other measures required to confirm the compliance of the retrofit work under the Silver Star program, and the retrofit work and the use of software simulation savings under the Gold Star program, based on the requirements of this title.

(b) INCLUSIONS.—An entity shall be considered a quality assurance provider under this title if the entity is qualified through—

(1) the International Code Council;

(2) the BPI;

(3) the RESNET;

(4) a State;

(5) a State-approved residential efficiency retrofit program; or

(6) any other entity designated by the Secretary, in consultation with the Administrator.

SEC. 3007. SILVER STAR HOME RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy-efficiency or water-saving retrofit of a home is carried out after the date of enactment of this Act in accordance with this section, a rebate shall be awarded for the energy or water savings retrofit of a home for the installation of savings measures—

(1) selected from the list of energy and water savings measures described in subsection (b);

(2) installed in the home by a qualified contractor not later than 1 year after the date of enactment of this Act;

(3) carried out in compliance with this section; and

(4) subject to the maximum amount limitations established under subsection (d)(4).

(b) ENERGY AND WATER SAVINGS MEASURES.—Subject to subsection (c), a rebate shall be awarded under this section for the installation of the following energy or water savings measures for a home energy or water retrofit that meet technical standards established under this section:

(1) Whole house air-sealing measures (including interior and exterior measures and using sealants, caulks, insulating foams, gaskets, weather-stripping, mastics, and other building materials), in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that—

(A) include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary;

(B) add at least R–19 insulation to existing insulation;

(C) result in at least R–38 insulation in DOE climate zones 1 through 4 and at least R–49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity; and

(D) cover at least—

(i) 100 percent of an accessible attic; or

(ii) 75 percent of the total conditioned footprint of the house.

(3) Duct seal or replacement that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary; and

(B) in the case of duct replacement, replaces and seals at least 50 percent of a distribution system of the home.

(4) Wall insulation that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary;

(B) is to full-stud thickness; and

(C) covers at least 75 percent of the total external wall area of the home.

(5) Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary—

(A) covers at least 500 square feet of crawl space or basement wall and adds at least—

(i) R–19 of cavity insulation or R–15 of continuous insulation to existing crawl space insulation; or

(ii) R–13 of cavity insulation or R–10 of continuous insulation to basement walls; and

(B) fully covers the rim joist with at least R–10 of new continuous or R–13 of cavity insulation.

(6) Window replacement that replaces at least 8 exterior windows, or 75 percent of the exterior windows in a home, whichever is less, with windows that—

(A) are certified by the National Fenestration Rating Council; and

(B) comply with criteria applicable to windows under section 25(c) of the Internal Revenue Code of 1986.

(7) Door replacement that replaces at least 1 exterior door with doors that comply with criteria applicable to doors under the 2010 Energy Star specification for doors.

(8) Skylight replacement that replaces at least 1 skylight with skylights that comply with criteria applicable to skylights under the 2010 Energy Star specification for skylights.

(9)(A) Heating system replacement with—

(i) a natural gas or propane furnace with an AFUE rating of 95 or greater;

(ii) a natural gas or propane boiler with an AFUE rating of 90 or greater;

(iii) an oil furnace with an AFUE rating of 86 or greater and that uses an electrically commutated blower motor;

(iv) an oil boiler with an AFUE rating of 86 or greater and that has temperature reset or thermal purge controls; or

(v) a wood or wood pellet furnace, boiler, or stove, if—

(I) the new system—

(aa) meets at least 75 percent of the heating demands of the home; and

(bb) in the case of a wood stove, replaces an existing wood stove with a stove that is EPA-certified, if a voucher is provided by the installer or other responsible party certifying that the old stove has been removed and made inoperable;

(II) the home has a distribution system (such as ducts, vents, blowers, or affixed fans) that allows heat from the wood stove, furnace, or boiler to reach all or most parts of the home; and

(III) an independent test laboratory approved by the Secretary or the Administrator certifies that the new system—

(aa) has thermal efficiency (with a lower heating value) of at least 75 percent for stoves and 80 percent for furnaces and boilers; and

(bb) has particulate emissions of less than 3.0 grams per hour for wood stoves or pellet stoves, and less than 0.32 lbs per million BTU for outdoor boilers and furnaces.

(B) A rebate may be provided under this section for the replacement of a furnace or boiler described in clauses (i) through (iv) of subparagraph (A) only if the new furnace or boiler is installed in accordance with ANSI/ACCA Standard 5 QI – 2007.

(10) Automatic water temperature controllers that vary boiler water temperature in response to changes in outdoor temperature or the demand for heat, if the retrofit is to an existing boiler and not in conjunction with a new boiler.

(11) Air-conditioner or heat-pump replacement with a new unit that—

(A) is installed in accordance with ANSI/ACCA Standard 5 QI–2007; and

(B) meets or exceeds—

(i) in the case of an air-source conditioner, SEER 16 and EER 13;

(ii) in the case of an air-source heat pump, SEER 15, EER 12.5, and HSPF 8.5; and

(iii) in the case of a geothermal heat pump, Energy Star tier 2 efficiency requirements.

(12) Replacement of or with—

(A) a natural gas or propane water heater with a condensing storage water heater with an energy factor of 0.80 or more or a condensing storage water heater or tankless water heater with a thermal efficiency of 90 percent or more;

(B) a tankless natural gas or propane water heater with an energy factor of at least .82;

(C) a natural gas or propane storage water heater with an energy factor of at least .67;

(D) an indirect water heater with an insulated storage tank that—

(i) has a storage capacity of at least 30 gallons and is insulated to at least R–16; and

(ii) is installed in conjunction with a qualifying boiler described in paragraph (7);

(E) an electric water heater with an energy factor of 2.0 or more;

(F) a water heater with a solar hot water system that—

(i) is certified by the Solar Rating and Certification Corporation under specification SRCC-OG-300; or

(ii) meets technical standards established by the State of Hawaii; or

(G) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (11) that provides domestic water heating through the use of—

(i) year-round demand water heating capability; or

(ii) a desuperheater.

(13) Storm windows that—

(A) are installed on a least 5 single-glazed windows that do not have storm windows;

(B) are installed in a home listed on or eligible for listing in the National Register of Historic Places; and

(C) comply with any procedures that the Secretary may establish for storm windows (including installation).

(14) Roof replacement that replaces at least 75 percent of the roof area with energy-saving roof products certified under the Energy Star program.

(15) Window films that are installed on at least 8 exterior windows, doors, or skylights, or 75 percent of the total exterior square footage of glass, whichever is more, in a home with window films that—

(A) are certified by the National Fenestration Rating Council;

(B) have a Solar Heat Gain Coefficient of 0.43 or less with a visible light-to-solar heat gain ratio of at least 1.1 in 2009 International Energy Conservation Code climate zones 1 through 8; and

(C) are certified to reduce the U-factor of the National Fenestration Rating Council dual pane reference window by 0.05 or greater and are only applied to nonmetal frame dual pane windows in 2009 International Energy Conservation Code climate zones 4 through 8.

(16) WaterSense products or services.

(c) INSTALLATION COSTS.—Measures described in paragraphs (1) through (16) of subsection (b) shall include expenditures for labor and other installation-related costs (including venting system modification and condensate disposal) properly allocable to the onsite preparation, assembly, or original installation of the component.

(d) AMOUNT OF REBATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amount of a rebate provided under this section shall be $1,000 per measure for the installation of savings measures described in subsection (b)

(2) HIGHER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided to the owner of a home or designee under this section shall be $1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(2);

(B) wall insulation described in subsection (b)(4);

(C) a heating system described in subsection (b)(9); and

(D) an air-conditioner or heat-pump replacement described in subsection (b)(11).

(3) LOWER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided under this section shall be—

(A) $125 per door for the installation of up to a maximum of 2 Energy Star doors described in subsection (b)(7) for each home;

(B) $125 per skylight for the installation of up to a maximum of 2 Energy Star skylights described in subsection (b)(8) for each home;

(C) $750 for a maximum of 1 natural gas or propane tankless water heater described in subsection (b)(12)(B) for each home;

(D) $450 for a maximum of 1 natural gas or propane storage water heater described in subsection (b)(12)(C) for each home;

(E) $250 for rim joist insulation described in subsection (b)(5)(B);

(F) $50 for each storm window described in subsection (b)(13);

(G) $500 for a desuperheater described in subsection (b)(12)(G)(ii);

(H) $500 for a wood or pellet stove that has a heating capacity of at least 28,000 BTU per hour (using the upper end of the range listed in the EPA list of Certified Wood Stoves) and meets all of the requirements of subsection (b)(9)(A)(v) other than the requirements in items (aa) and (bb) of subsection (b)(9)(A)(v)(I);

(I) $250 for an automatic water temperature controller described in subsection (b)(10);

(J) $500 for a roof described in subsection (b)(14);

(K) $500 for window films described in subsection (b)(15); and

(L) $150 for any combination of WaterSense products or services described in subsection (b)(16), if the total cost of all WaterSense products or services is at least $300.

(4) MAXIMUM AMOUNT.—The total amount of a rebate provided to the owner of a home or designee under this section shall not exceed the lower of—

(A) $3,000;

(B) the sum of the amounts per measure specified in paragraphs (1) through (3);

(C) 50 percent of the total cost of the installed measures; or

(D) if the Secretary finds that the net value to the homeowner of the rebates is less than the amount of the rebates, the actual net value to the homeowner.

(e) INSULATION PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—

(1) IN GENERAL.—A rebate shall be awarded under this section if—

(A) the measure—

(i) is—

(I) a whole house air-sealing measure described in subsection (b)(1);

(II) an attic insulation measure described in subsection (b)(2);

(III) a duct seal or replacement measure described in subsection (b)(3);

(IV) a wall insulation measure described in subsection (b)(4); or

(V) a crawl space insulation measure or basement wall and rim joist insulation measure described in subsection (b)(5);

(ii) is purchased by a homeowner for installation by the homeowner in a home identified by the address of the homeowner;

(iii) is identified and attributed to a specific home in a submission by the vendor to a rebate aggregator;

(iv) is not part of—

(I) a savings measure described in paragraphs (6) through (11) of subsection (b); and

(II) a retrofit for which a rebate is provided under the Gold Star Home Retrofit Program; and

(v) is not part of a savings measure described in paragraphs (1) through (5) in subsection (b) for which the homeowner received or will receive contracting services; or

(B) educational material on proper installation of the product is provided to the homeowner, including material on air sealing while insulating.

(2) AMOUNT.—A rebate under this subsection shall be awarded in an amount equal to 50 percent of the total cost of the products described in paragraph (1), but not to exceed $250 per home.

(f) QUALIFICATION FOR REBATE UNDER SILVER STAR HOME RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 3005, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost energy-efficiency measures installed in a home, if—

(1) the measures undertaken for the retrofit are—

(A) eligible measures described on the list established under subsection (b);

(B) installed properly in accordance with applicable technical specifications; and

(C) installed by a qualified contractor;

(2) the amount of the rebate does not exceed the maximum amount described in subsection (d)(4);

(3) not less than—

(A) 20 percent of the retrofits performed by each qualified contractor under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; or

(B) in the case of qualified contractor that uses a certified workforce, 10 percent of the retrofits performed under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; and

(4)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect, if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(g) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—During the 1-year warranty period, a homeowner may make a complaint under the quality assurance program that compliance with the requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (f)(3); and

(ii) corrected in accordance with subsection (f)(4).

(h) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 3008. GOLD STAR HOME RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency or water savings retrofit of a home is carried out after the date of enactment of this Act by an accredited contractor in accordance with this section, a rebate shall be awarded for retrofits that achieve whole home energy or water savings.

(b) AMOUNT OF REBATE.—

(1) ENERGY SAVINGS.—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner for energy savings under this section shall be—

(A) $3,000 for a 20-percent reduction in whole home energy consumption; and

(B) an additional $1,000 for each additional 5-percent reduction up to the lower of—

(i) $8,000; or

(ii) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(2) WATER SAVINGS.—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner for a reduction in water consumption under this section shall be—

(A) $500 for measures that achieve a 20-percent reduction in water consumption; and

(B) an additional $100 for each additional 5-percent reduction in water consumption up to the lower of—

(i) $1,200; or

(ii) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(c) ENERGY AND WATER SAVINGS.—

(1) IN GENERAL.—Reductions in whole home energy or water consumption under this section shall be determined by a comparison of the simulated energy or water consumption of the home before and after the retrofit of the home.

(2) DOCUMENTATION.—The percent improvement in energy or water consumption under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved as a commercial alternative under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

(ii) a equivalent performance test established by the Secretary, in consultation with the Administrator; or

(B)(i) the use of a whole home simulation software program that has been approved under RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) an equivalent performance test established by the Secretary; or

(iii) a State-certified equivalent rating network, as specified by IRS Notice 2008–35; or

(iv) a HERS rating system required by State law.

(3) MONITORING.—The Secretary—

(A) shall continuously monitor the software packages used for determining rebates under this section; and

(B) may disallow the use of software programs that improperly assess energy or water savings.

(4) ASSUMPTIONS AND TESTING.—The Secretary may—

(A) establish simulation tool assumptions for the establishment of the pre-retrofit energy or water consumption;

(B) require compliance with software performance tests covering—

(i) mechanical system performance;

(ii) duct distribution system efficiency;

(iii) hot water performance; or

(iv) other measures; and

(C) require the simulation of pre-retrofit energy or water usage to be bounded by metered pre-retrofit energy or water usage.

(5) RECOMMENDED MEASURES.—The simulation tool shall have the ability at a minimum to assess the savings associated with all the measures for which incentives are specifically provided under the Silver Star Home Retrofit Program.

(6) QUANTIFICATION OF WATER SAVINGS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall make public an approved methodology for use in quantifying reductions in water consumption for the purpose of carrying out this section.

(d) QUALIFICATION FOR REBATE UNDER GOLD STAR HOME RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 3005, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost whole-home retrofits, if—

(1) the retrofit is performed by an accredited contractor;

(2) the amount of the reimbursement is not more than the amount described in subsection (b);

(3) documentation described in subsection (c) is transmitted with the claim;

(4) a home receiving a whole-home retrofit is subject to random third-party field verification by a quality assurance provider in accordance with subsection (e); and

(5)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(e) VERIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), all work installed in a home receiving a whole-home retrofit by an accredited contractor under this section shall be subject to random third-party field verification by a quality assurance provider at a rate of—

(A) 15 percent; or

(B) in the case of work performed by an accredited contractor using a certified workforce, 10 percent.

(2) VERIFICATION NOT REQUIRED.—A home shall not be subject to random third-party field verification under this section if—

(A) a post-retrofit home energy or water rating is conducted by an eligible certifier in accordance with—

(i) RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) a State-certified equivalent rating network, as specified in IRS Notice 2008–35; or

(iii) a HERS rating system required by State law;

(B) the eligible certifier is independent of the qualified contractor or accredited contractor in accordance with RESNET Publication No. 06–001 (or a successor publication approved by the Secretary); and

(C) the rating includes field verification of measures.

(f) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—A homeowner may make a complaint under the quality assurance program during the 1-year warranty period that compliance with the requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (e)(1); and

(ii) corrected in accordance with subsection (e).

(g) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 3009. GRANTS TO STATES AND INDIAN TRIBES.

(a) IN GENERAL.—A State or Indian tribe that receives a grant under subsection (d) shall use the grant for—

(1) administrative costs;

(2) oversight of quality assurance programs;

(3) development and implementation of ongoing quality assurance framework;

(4) establishment and delivery of financing pilots in accordance with this title;

(5) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star program;

(6) assisting in the delivery of services to rental units; and

(7) the costs of carrying out the responsibilities of the State or Indian tribe under the Silver Star Home Retrofit Program and the Gold Star Home Retrofit Program.

(b) INITIAL GRANTS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall make the initial grants available under this section.

(c) INDIAN TRIBES.—The Secretary shall reserve an appropriate amount of funding to be made available to carry out this section for each fiscal year to make grants available to Indian tribes under this section.

(d) STATE ALLOTMENTS.—From the amounts made available to carry out this section for each fiscal year remaining after the reservation required under subsection (c), the Secretary shall make grants available to States in accordance with section 3016.

(e) QUALITY ASSURANCE PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe may use a grant made under this section to carry out a quality assurance program that is—

(A) operated as part of a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);

(B) managed by the office or the designee of the office that is—

(i) responsible for the development of the plan under section 362 of that Act (42 U.S.C. 6322); and

(ii) to the maximum extent practicable, conducting an existing efficiency program; and

(C) in the case of a grant made to an Indian tribe, managed by an entity designated by the Indian tribe to carry out a quality assurance program or a national quality assurance program manager.

(2) NONCOMPLIANCE.—If the Secretary determines that a State or Indian tribe has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this title, the Secretary may—

(A) withhold further quality assurance funds from the State or Indian tribe; and

(B) require that quality assurance providers operating in the State or by the Indian tribe be overseen by a national quality assurance program manager selected by the Secretary.

(f) IMPLEMENTATION.—A State or Indian tribe that receives a grant under this section may implement a quality assurance program through the State, the Indian tribe, or a third party designated by the State or Indian tribe, including—

(1) an energy or water service company;

(2) an electric utility;

(3) a natural gas utility;

(4) a third-party administrator designated by the State or Indian tribe;

(5) a unit of local government; or

(6) a public or private water utility.

(g) PUBLIC-PRIVATE PARTNERSHIPS.—A State or Indian tribe that receives a grant under this section are encouraged to form partnerships with utilities, energy service companies, and other entities—

(1) to assist in marketing a program;

(2) to facilitate consumer financing;

(3) to assist in implementation of the Silver Star Home Retrofit Program and the Gold Star Home Retrofit Program, including installation of qualified retrofit measures; and

(4) to assist in implementing quality assurance programs.

(h) COORDINATION OF REBATE AND EXISTING STATE-SPONSORED PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe shall, to the maximum extent practicable, prevent duplication through coordination of a program authorized under this title with—

(A) the Energy Star appliance rebates program authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115); and

(B) comparable programs planned or operated by States, political subdivisions, electric and natural gas utilities, Federal power marketing administrations, and Indian tribes.

(2) EXISTING PROGRAMS.—In carrying out this subsection, a State or Indian tribe shall—

(A) give priority to—

(i) comprehensive retrofit programs in existence on the date of enactment of this Act, including programs under the supervision of State utility regulators; and

(ii) using Home Star funds made available under this title to enhance and extend existing programs; and

(B) seek to enhance and extend existing programs by coordinating with administrators of the programs.

SEC. 3010. QUALITY ASSURANCE FRAMEWORK.

(a) IN GENERAL.—Not later than 180 days after the date that the Secretary initially provides funds to a State under this title, the State shall submit to the Secretary a plan to implement a quality assurance framework.

(b) MODEL STATE PLANS.—The Secretary shall—

(1) as soon as practicable after the date of enactment of this Act, solicit the submission of model State quality assurance framework plans that are consistent with this section; and

(2) not later than 60 days after the date of enactment or the receipt of funding to carry out this title (whichever is later), approve 1 or more such model plans that incorporate nationally consistent high standards for optional use by States.

(c) IMPLEMENTATION.—The State shall—

(1) develop a quality assurance framework in consultation with industry stakeholders, including representatives of efficiency program managers, contractors, and environmental, efficiency, and labor organizations; and

(2) implement the quality assurance framework not later than 1 year after the date of enactment of this Act.

(d) COMPONENTS.—The quality assurance framework established under this section shall include—

(1) a requirement that contractors performing covered retrofits meet—

(A) the accreditation, workforce certification, and all other requirements established under section 3004(b); and

(B) minimum standards for accredited contractors, including—

(i) compliance with applicable Federal, State, and local laws;

(ii) maintenance of records needed to verify compliance; and

(iii) use of independent contractors only when appropriately classified as such pursuant to Revenue Ruling 87–41 and section 530 of the Revenue Act of 1978 and relevant State law;

(2) maintenance of a list of accredited contractors;

(3) requirements for maintenance and delivery to the Federal Rebate Processing System of information needed to verify compliance and ensure appropriate compensation for quality assurance providers;

(4) targets and realistic plans for—

(A) the recruitment of minority- and women-owned small business enterprises;

(B) the employment of graduates of training programs that primarily serve targeted workers;

(C) the employment of targeted workers; and

(D) the availability of financial assistance under the Home Star loan program to—

(i) public use microdata areas that have a poverty rate of 12 percent or more; and

(ii) homeowners served by units of local government in jurisdictions that have an unemployment rate that is 2 percent higher than the national unemployment rate;

(5) a plan to link workforce training for efficiency retrofits with training for the broader range of skills and occupations in construction or emerging clean energy industries;

(6) quarterly reports to the Secretary on the progress of implementation of the quality assurance framework and any success in meeting the targets and plans; and

(7) maintenance of a list of qualified quality assurance providers and minimum standards for the quality assurance providers.

(e) NONCOMPLIANCE.—If the Secretary determines that a State that has elected to implement a quality assurance program, but has failed to plan, develop, or implement a

quality assurance framework in accordance with this section, the Secretary shall suspend further grants for State administration pursuant to section 3016(b)(1).

(f) COORDINATION.—The Secretary shall take reasonable steps consistent with the existing authority of the Secretary to promote coordination between State quality assurance frameworks and any residential retrofit program funded in whole or in part by the Secretary, which may include the adoption of standards established under the quality assurance frameworks and the use of participating accredited contractors.

(g) EXCLUSIONS.—The quality assurance frameworks shall not apply to any measures or activities under the Silver Star Home Retrofit Program.

SEC. 3011. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of funds under this title.

(b) CONTENTS.—The report shall include a description of—

(1) the savings produced as a result of this title;

(2) the direct and indirect employment created as a result of the programs supported by the funds provided under this title;

(3) the specific entities implementing the efficiency programs;

(4) the beneficiaries who received the efficiency improvements;

(5) the manner in which funds provided under this title were used;

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by grants provided under this title; and

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate

(c) NONCOMPLIANCE.—If the Secretary determines that a rebate aggregator, State, or Indian tribe has not provided the information required under this section, the Secretary shall provide to the rebate aggregator, State, or Indian tribe a period of at least 90 days to provide any necessary information, subject to penalties imposed by the Secretary for entities other than States and Indian tribes, which may include withholding of funds or reduction of future grant amounts.

SEC. 3012. ADMINISTRATION.

(a) IN GENERAL.—Subject to section 3016(b), not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators, States, and Indian tribes as is necessary to carry out the functions designated to States under this title.

(b) APPOINTMENT OF PERSONNEL.—Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint such professional and administrative personnel as the Secretary considers necessary to carry out this title.

(c) RATE OF PAY.—The rate of pay for a person appointed under subsection (a) shall not exceed the maximum rate payable for GS–15 of the General Schedule under chapter 53 of title 5, United States Code.

(d) CONSULTANTS.—Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), the Secretary may retain such consultants on a noncompetitive basis as the Secretary considers necessary to carry out this title.

(e) CONTRACTING.—In carrying out this title, the Secretary may waive all or part of any provision of the Competition in Contracting Act of 1984 (Public Law 98–369; 98 Stat. 1175), an amendment made by that Act, or the Federal Acquisition Regulation on a determination that circumstances make compliance with the provisions contrary to the public interest.

(f) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding section 553 of title 5, United States Code, the Secretary may issue regulations that the Secretary, in the sole discretion of the Secretary, determines necessary to carry out the Home Star Retrofit Rebate Program.

(2) DEADLINE.—If the Secretary determines that regulations described in paragraph (1) are necessary, the regulations shall be issued not later than 60 days after the date of the enactment of this Act.

(3) LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall not use the authority provided under this subsection—

(i) to develop, adopt, or implement a public labeling system that rates and compares the energy or water performance of 1 home with another home; or

(ii) to require the public disclosure of an energy or water performance evaluation or rating developed for any specific home.

(B) ADMINISTRATION.—Nothing in this paragraph precludes—

(i) the computation, collection, or use by the Secretary, rebate aggregators, quality assurance providers, or States, for the purposes of carrying out sections 3007 and 3008, of information on the rating and comparison of the energy and water performance of homes with and without energy or water efficiency features or an energy or water performance evaluation or rating;

(ii) the use and publication of aggregate data (without identifying individual homes or participants) based on information referred to in clause (i) to determine or demonstrate the performance of the Home Star program; or

(iii) the provision of information referred to in clause (i) with respect to a specific home—

(I) to the State, homeowner, quality assurance provider, rebate aggregator, or contractor performing retrofit work on that home, or an entity providing Home Star services, as necessary to enable carrying out this title; or

(II) for purposes of prosecuting fraud or abuse.

(4) WATERSENSE PRODUCTS OR SERVICES.—In issuing regulations under this subsection, the Secretary shall coordinate with the Administrator to carry out the provisions of the Home Star Retrofit Rebate Program relating to WaterSense products or services.

(g) INFORMATION COLLECTION.—Chapter 35 of title 44, United States Code, shall not apply to any information collection requirement necessary for the implementation of the Home Star Retrofit Rebate Program.

(h) ADJUSTMENT OF REBATE AMOUNTS.—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may, after not less than 30 days public notice, prospectively adjust the rebate amounts provided in this section based on—

(1) the use of the Silver Star Home Retrofit Program and the Gold Star Home Retrofit Program; and

(2) other program data.

SEC. 3013. TREATMENT OF REBATES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, rebates received for eligible measures under this title—

(1) shall not be considered taxable income to a homeowner;

(2) shall prohibit the consumer from applying for a tax credit allowed under section 25C or 25D of that Code for the same eligible measures performed in the home of the homeowner; and

(3) shall be considered a credit allowed under section 25C or 25D of that Code for purposes of any limitation on the amount of the credit under that section.

(b) NOTICE.—

(1) IN GENERAL.—A participating contractor shall provide notice to a homeowner of the provisions of subsection (a) before eligible work is performed in the home of the homeowner.

(2) NOTICE IN REBATE FORM.—A homeowner shall be notified of the provisions of subsection (a) in the appropriate rebate form developed by the Secretary, in consultation with the Secretary of the Treasury.

(3) AVAILABILITY OF REBATE FORM.—A participating contractor shall obtain the rebate form on a designated website in accordance with section 3003(b)(1)(A)(iii).

SEC. 3014. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any person to violate this title (including any regulation issued under this title), other than a violation as the result of a clerical error.

(b) CIVIL PENALTY.—Any person who commits a violation of this title shall be liable to the United States for a civil penalty in an amount that is not more than the higher of—

(1) $15,000 for each violation; or

(2) 3 times the value of any associated rebate under this title.

(c) ADMINISTRATION.—The Secretary may—

(1) assess and compromise a penalty imposed under subsection (b); and

(2) require from any entity the records and inspections necessary to enforce this title.

(d) EXCLUSION.—A State may bar a contractor from receiving receive rebates under this title if the contractor has committed repeated violations of this title.

(e) FRAUD.—In addition to any civil penalty, any person who commits a fraudulent violation of this title shall be subject to criminal prosecution.

SEC. 3015. HOME STAR EFFICIENCY LOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a homeowner who receives financial assistance from a qualified financing entity to carry out energy or water efficiency or renewable energy improvements to an existing home or other residential building of the homeowner in accordance with the Gold Star Home Retrofit Program or the Silver Star Home Retrofit Program.

(2) PROGRAM.—The term ''program'' means the Home Star Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term ''qualified financing entity'' means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, public water system, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (e).

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State or local government; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(b) ESTABLISHMENT.—The Secretary shall establish a Home Star Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making, to existing homes, efficiency improvements that qualify under the Gold Star Home Retrofit Program or the Silver Star Home Retrofit Program.

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in subsection (b);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards provided under sections 3007 and 3008; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy or water savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy, water, or energy or water efficiency services contracts;

(v) efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) USE OF FUNDS.—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of efficiency finance programs.

(g) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) PROGRAM EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy and water efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy and water savings, homeowner energy and water bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(i) CREDIT SUPPORT FOR FINANCING PROGRAMS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) (as amended by section 2132(b)) is amended—

(1) in subsection (a), by adding at the end the following:

''(5) Energy and water efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.''.

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) CREDIT SUPPORT FOR FINANCING PROGRAMS.—

''(1) IN GENERAL.—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

''(A) offer loan guarantees for portfolios of debt obligations; and

''(B) purchase or make commitments to purchase portfolios of debt obligations.

''(2) TERM.—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

''(A) 30 years; and

''(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

''(3) UNDERWRITING.—The Secretary may—

''(A) delegate underwriting responsibility for portfolios of debt obligations under this subsection to financial institutions that meet qualifications determined by the Secretary; and

''(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

''(4) ADMINISTRATION.—Subsections (c) and (d)(3) of section 1702 and subsection (c) of this section shall not apply to loan guarantees made under this subsection.''.

(j) TERMINATION OF EFFECTIVENESS.—The authority provided by this section and the amendments made by this section terminates effective on the date that is 2 years after the date of enactment of this Act.

SEC. 3016. FUNDING.

(a) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this title $5,000,000,000, to remain available until September 30, 2012.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1), without further appropriation.

(3) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any Federal and State funding provided to carry out efficiency programs in existence on the date of enactment of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—Of the amount provided under subsection (a), $380,000,000 or not more than 6 percent, whichever is less, shall be used to carry out section 3009.

(2) DISTRIBUTION TO STATE ENERGY OFFICES.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(i) provide to State energy offices 25 percent of the funds described in paragraph (1); and

(ii) determine a formula to provide the balance of funds to State energy offices through a performance-based system.

(B) ALLOCATION.—

(i) ALLOCATION FORMULA.—Funds described in subparagraph (A)(i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(ii) PERFORMANCE-BASED SYSTEM.—The balance of the funds described in subparagraph (A)(ii) shall be made available in accordance with the performance-based system described in subparagraph (A)(ii) designed to support the objectives of achieving efficiency gains, employment of underemployed workers, and implementing quality assurance programs and frameworks in participating States.

(c) QUALITY ASSURANCE COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent shall be used to carry out the quality assurance provisions of this title.

(2) MANAGEMENT.—Funds provided under this subsection shall be overseen by—

(A) State energy offices described in subsection (b)(2); or

(B) other entities determined by the Secretary to be eligible to carry out quality assurance functions under this title.

(3) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers, or rebate aggregators, for services under the Silver Star Home Retrofit Program or the Gold Star Home Retrofit Program through the Federal Rebate Processing Center based on the services provided to contractors under a quality assurance program and rebate aggregation.

(4) INCENTIVES.—The amount of incentives provided to quality assurance providers or rebate aggregators shall be—

(A)(i) in the case of the Silver Star Home Retrofit Program—

(I) $25 per rebate review and submission provided under the program; and

(II) $150 for each field inspection conducted under the program; and

(ii) in the case of the Gold Star Home Retrofit Program—

(I) $35 for each rebate review and submission provided under the program; and

(II) $300 for each field inspection conducted under the program; or

(B) such other amounts as the Secretary considers necessary to carry out the quality assurance provisions of this title.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than $150,000,000 shall be used for costs associated with database systems to track rebates and expenditures under this title and related administrative costs incurred by the Secretary.

(e) PUBLIC EDUCATION AND COORDINATION.—Of the amount provided under subsection (a), not more than $10,000,000 shall be used for costs associated with public education and coordination with the Federal Energy Star program incurred by the Administrator.

(f) INDIAN TRIBES.—Of the amount provided under subsection (a), the Secretary shall reserve not more than 3 percent to make grants available to Indian tribes under this section.

(g) SILVER STAR HOME RETROFIT PROGRAM.—

(1) IN GENERAL.—In the case of the Silver Star Home Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (f), ⅔ of the remaining funds for the 1-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Silver Star Home Retrofit Program.

(2) PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—Of the amounts made available for the Silver Star Home Retrofit Program under this section, not more than $250,000,000 shall be made available for rebates under section 3007(e).

(h) GOLD STAR HOME RETROFIT PROGRAM.—

(1) IN GENERAL.—In the case of the Gold Star Home Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (g), ⅓ of the remaining funds for the 2-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Gold Star Home Retrofit Program.

(2) WATER EFFICIENCY RETROFITS.—Of the amounts made available for the Gold Star Home Retrofit Program under this section, $70,000,000 shall be made available for rebates for water efficiency retrofits under section 3008.

(i) PROGRAM REVIEW AND BACKSTOP FUNDING.—

(1) REVIEW AND ANALYSIS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall perform a State-by-State analysis and review the distribution of Home Star retrofit rebates under this title.

(B) RENTAL UNITS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall perform a review and analysis, with input and review from the Secretary of Housing and Urban Development, of the procedures for delivery of services to rental units.

(2) ADJUSTMENT.—The Secretary may allocate technical assistance funding to assist States that, as determined by the Secretary—

(A) have not sufficiently benefitted from the Home Star Retrofit Rebate Program; or

(B) in which rental units have not been adequately served.

(j) RETURN OF UNDISBURSED FUNDS.—

(1) SILVER STAR HOME RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Silver Star Home Retrofit Program by the date that is 1 year after the date of enactment of this Act, any undisbursed funds shall be made available to the Gold Star Home Retrofit Program.

(2) GOLD STAR HOME RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Gold Star Home Retrofit Program by the date that is 2 years after the date of enactment of this Act, any undisbursed funds shall be returned to the Treasury.

(k) FINANCING.—Of the amounts allocated to the States under subsection (b), not less than $200,000,000 shall be used to carry out the financing provisions of this title in accordance with section 3015.

DIVISION D—PROTECTING THE ENVIRONMENT

TITLE XL—LAND AND WATER CONSERVATION AUTHORIZATION AND FUNDING

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Land and Water Conservation Authorization and Funding Act of 2010''.

SEC. 4002. PERMANENT AUTHORIZATION; FULL FUNDING.

(a) PURPOSES.—The purposes of the amendments made by subsection (b) are—

(1) to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5); and

(2) to maximize the effectiveness of the fund for future generations.

(b) AMENDMENTS.—

(1) PERMANENT AUTHORIZATION.—Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5) is amended—

(A) in the matter preceding subsection (a), by striking ''During the period ending September 30, 2015, there'' and inserting ''There''; and

(B) in subsection (c)—

(i) in paragraph (1), by striking ''through September 30, 2015''; and

(ii) in paragraph (2), by striking '': *Provided*,'' and all that follows through the end of the sentence and inserting a period..

(2) FULL FUNDING.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6) is amended to read as follows:

''SEC. 3. AVAILABILITY OF FUNDS.

''(a) IN GENERAL.—

''(1) FISCAL YEARS 2011 THROUGH 2015.—For each of fiscal years 2011 through 2015, $900,000,000 of amounts covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act, without further appropriation.

''(2) FISCAL YEAR 2016.—For fiscal year 2016—

''(A) $425,000,000 of amounts covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act, without further appropriation; and

''(B) the remainder of amounts covered into the fund shall be available subject to appropriations, which may be made without fiscal year limitation.

''(3) FISCAL YEARS 2017 THROUGH 2020.—For each of fiscal years 2017 through 2020, amounts covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act subject to appropriations, which may be made without fiscal year limitation.

''(4) FISCAL YEAR 2021 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2021 and each fiscal year thereafter—

''(A) $500,000,000 of amounts covered into the fund under section 2 shall be available to carry out the purposes of this Act, without further appropriation; and

''(B) the remainder of amounts covered into the fund shall be available subject to appropriations, which may be made without fiscal year limitation.

''(b) USES.—Amounts made available for obligation or expenditure from the fund may be obligated or expended only as provided in this Act.''.

(c) ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES.—Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–7) is amended—

(1) in the first sentence, by inserting ''or expenditures'' after ''appropriations'';

(2) in the second sentence—

(A) by inserting ''or expenditures'' after ''appropriations''; and

(B) by inserting before the period at the end the following: '', including the amounts to be allocated from the fund for Federal and State purposes''; and

(3) by striking ''Those appropriations from'' and all that follows through the end of the section.

(d) CONFORMING AMENDMENTS.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(b)) is amended —

(1) in the matter preceding paragraph (1), by inserting ''or expended'' after ''appropriated'';

(2) in paragraph (1)—

(A) by inserting ''or expenditures'' after ''appropriations''; and

(B) by striking ''; and'' and inserting a period; and

(3) in the first sentence of paragraph (2), by inserting ''or expenditure'' after ''appropriation''.

(e) FEDERAL LAND ACQUISITION PROJECTS.—Section 7(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(2) in the matter preceding paragraph (2) (as redesignated by paragraph (1), by striking ''Moneys appropriated'' and all that follows through ''subpurposes'' and inserting the following:

''(1) PRIORITY LIST.—

''(A) IN GENERAL.—The President shall transmit, as part of the annual budget proposal, a priority list for Federal land acquisition projects.

''(B) AVAILABILITY OF AMOUNTS.—

''(i) IN GENERAL.—Amounts shall be made available from the fund, without further appropriation, on the date that is 15 days after the date on which the Congress adjourns sine die for each year, for the projects on the priority list of the President, unless prior to that date, legislation is enacted establishing an alternate priority list, in which case amounts from the fund shall be made available, without further appropriation, for expenditure on the projects on the alternate priority list.

''(ii) ALTERNATE PRIORITY LIST.—If Congress enacts legislation establishing an alternate priority list and the priority list provides for less than the amount made available for that fiscal year under this subsection, the difference between that amount and the amount required to fund projects on

the alternate priority list shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the President.

''(C) DUTIES OF SECRETARIES.—

''(i) IN GENERAL.—In developing the annual land acquisition priority list required under subparagraph (A), the President shall require the Secretary of the Interior and the Secretary of Agriculture to develop the priority list for the sites under the jurisdiction of that Secretary.

''(ii) CONSULTATION.—The Secretary of the Interior and the Secretary of Agriculture shall prepare the priority list described in subparagraph (A) in consultation with the head of each affected Federal agency.

''(iii) RECREATIONAL ACCESS.—

''(I) IN GENERAL.—In preparing the priority list under subparagraph (A), the Secretary of the Interior and the Secretary of Agriculture shall ensure that not less than 1.5 percent of the annual authorized funding amount is made available each year for projects that secure recreational public access to existing Federal public land for hunting, fishing, and other recreational purposes through easements, rights-of-way, or fee title acquisitions.

''(II) ACQUISITION OF LAND.—For each recreational access project carried out under subclause (I), the land or interest in land shall be acquired by the Federal Government only from willing sellers.''; and

(3) in paragraph (2) (as redesignated by paragraph (1)), by striking ''For the acquisition of land'' and all that follows through ''as follows:'' and inserting the following:

''(3) USE OF FUNDS.—Amounts from the fund for the acquisition of land, waters, or interests in land or waters under this Act shall be used as follows:''.

(f) CONFORMING AMENDMENT.—Section 9 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–10a) is amended in the first sentence by striking ''section 7(a)(1) of this Act'' and inserting ''section 7(a)(2)''.

TITLE XLI—NATIONAL WILDLIFE REFUGE SYSTEM RESOURCE PROTECTION

SEC. 4101. SHORT TITLE.

This title may be cited as the ''National Wildlife Refuge System Resource Protection Act of 2010''.

SEC. 4102. DEFINITIONS.

In this title:

(1) DAMAGES.—The term ''damages'' includes, when used in connection with compensation—

(A) compensation for—

(i)(I) the cost of replacing, restoring, rehabilitating, or acquiring the equivalent of a refuge system resource; and

(II) the value of any significant loss of use of a refuge system resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(ii) the value of the refuge system resource if the resource cannot be replaced or restored; and

(B) the cost of damage assessments under this section.

(2) FISH AND WILDLIFE SERVICE SYSTEM RESOURCE.—

(A) IN GENERAL.—The term ''Fish and Wildlife Service system resource'' means any living or nonliving resource that is located within the boundaries of a unit of—

(i) the National Wildlife Refuge System;

(ii) the National Fish Hatchery System; or

(iii) other land managed by the United States Fish and Wildlife Service.

(B) EXCLUSION.—The term ''Fish and Wildlife Service system resource'' does not include a resource owned by a non-Federal entity.

(3) MARINE OR AQUATIC REFUGE SYSTEM RESOURCE.—

(A) IN GENERAL.—The term ''marine or aquatic refuge system resource'' means any living or nonliving part of a marine or aquatic regimen that is located within the boundaries of a unit of—

(i) the National Wildlife Refuge System; or

(ii) the National Fish Hatchery System.

(B) EXCLUSION.—The term ''marine or aquatic refuge system resource'' does not include a resource owned by a non-Federal entity.

(4) REFUGE SYSTEM RESOURCE.—The term ''refuge system resource'' means—

(A) a Fish and Wildlife Service system resource; and

(B) a marine or aquatic refuge system resource.

(5) REGIMEN.—The term ''regimen'' means a water column and submerged land, up to the high-tide or high-water line.

(6) RESPONSE COSTS.—The term ''response costs'' means the costs of actions taken by the Secretary—

(A) to prevent or minimize destruction or loss of or injury to refuge system resources;

(B) to abate or minimize the imminent risk of such destruction, loss, or injury; or

(C) to monitor ongoing effects of incidents causing such destruction, loss, or injury.

SEC. 4103. LIABILITY.

(a) IN GENERAL.—Subject to subsection (c), any person that destroys, damages, causes the loss of, or injures any refuge system resource is liable to the United States for response costs and damages resulting from the destruction, loss, or injury.

(b) LIABILITY IN REM.—Any instrumentality (including a vessel, vehicle, aircraft, or other equipment) that destroys, causes the loss of, or injures any refuge system resource shall be liable in rem to the United States for response costs and damages resulting from the destruction, loss, or injury to the same extent as a person is liable under subsection (a).

(c) DEFENSES.—A person shall not be liable under this section if the person establishes that—

(1) the destruction, loss of, or injury to the refuge system resource was caused solely by an act of God or act of war, if the person exercised due care to employ safety precautions and best management practices to minimize potential destruction, loss, or injury in advance of an act of God or act of war;

(2) the person acted with due care, and the destruction, loss of, or injury to the refuge system resource was caused solely by an act or omission of a third party, other than an employee or agent of the person; or

(3) the destruction, loss, or injury to the refuge system resource was caused by an activity authorized by Federal or State law, if the activity was conducted in accordance with Federal and State law.

(d) SCOPE.—Liability under this section shall be in addition to any other liability that may arise under Federal or State law.

SEC. 4104. ACTIONS.

(a) CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.—

(1) IN GENERAL.—If the Secretary makes a finding of damage to a refuge system resource or makes a finding that, absent response costs, damage to a refuge system resource will occur and the Secretary requests the Attorney General to initiate action, the Attorney General may commence a civil action in the United States district court for the appropriate district against any person that may be liable under section 4103 for response costs and damages.

(2) REQUESTS FOR ACTION.—The Secretary shall submit a request for an action described in paragraph (1) to the Attorney General if a person may be liable or an instrumentality may be liable in rem for response costs and damages under section 4103.

(b) RESPONSE ACTIONS AND ASSESSMENT OF DAMAGES.—

(1) IN GENERAL.—The Secretary shall take all necessary actions—

(A) to prevent or minimize the destruction, loss of, or injury to a refuge system resource; or

(B) to minimize the imminent risk of such destruction, loss, or injury.

(2) MONITORING.—The Secretary shall assess and monitor damages to refuge system resources.

SEC. 4105. USE OF RECOVERED AMOUNTS.

(a) IN GENERAL.—Subject to subsections (b) and (c), response costs and damages recovered by the Secretary under this title or amounts recovered by the Federal Government under any Federal, State, or local law (including regulations) or otherwise as a result of damage to any living or nonliving resource located within a unit managed by the United States Fish and Wildlife Service (other than resources owned by a non-Federal entity) shall be available to the Secretary, without further appropriation—

(1) to reimburse response costs and damage assessments incurred by the Secretary or other Federal agencies as the Secretary considers appropriate; or

(2) to restore, replace, or acquire the equivalent of resources that were the subject of an action and to monitor and study the resources.

(b) ACQUISITION.—No funds may be used under subsection (a) to acquire any land, water, or interest or right in land or water unless the acquisition is—

(1) specifically approved in advance in an appropriations Act; and

(2) consistent with any limitations contained in the organic law authorizing the refuge unit.

(c) EXCESS FUNDS.—Any amounts remaining after expenditures pursuant to subsection (a) shall be deposited into the general fund of the Treasury.

SEC. 4106. DONATIONS.

(a) IN GENERAL.—The Secretary may accept donations of money or services for expenditure or employment to meet expected, immediate, or ongoing response costs.

(b) AVAILABILITY.—The donations may be expended or employed at any time after the acceptance of the donation, without further appropriation.

TITLE XLII—GULF COAST ECOSYSTEM RESTORATION

SEC. 4201. GULF COAST ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) COMPREHENSIVE PLAN.—The term ''comprehensive plan'' means the comprehensive plan required by subsection (c).

(2) GOVERNORS.—The term ''Governors'' means the Governors of each of the States of Alabama, Florida, Louisiana, and Mississippi.

(3) GULF COAST ECOSYSTEM.—The term ''Gulf Coast ecosystem'' means the coastal zones (as determined pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)) of the States of Alabama, Florida, Louisiana, and Mississippi and adjacent State waters and areas of the outer Continental Shelf, adversely impacted by the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) TASK FORCE.—The term ''Task Force'' means the Gulf Coast Ecosystem Restoration Task Force established by subsection (g).

(b) GULF COAST ECOSYSTEM RESTORATION.—

(1) IN GENERAL.—The Chair of the Task Force shall undertake restoration activities in the Gulf Coast ecosystem in accordance with this section.

(2) FUNDING.—Subject to appropriations, of amounts in the Oil Spill Liability Trust Fund, there shall be available to the Chair of the Task Force to carry out this section $2,500,000,000 for the period of fiscal years 2012 through 2021.

(3) AUTHORIZED USES.—Amounts under paragraph (2) shall be available to the Chair of the Task Force for the conservation, protection, and restoration of the Gulf Coast ecosystem in accordance with the comprehensive plan.

(c) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and after notice and opportunity for public comment, the Chair of the Task Force shall develop a proposed comprehensive plan for the purpose of long-term conservation, protection, and restoration of biological integrity, productivity, and ecosystem functions in the Gulf Coast ecosystem.

(2) EXISTING PLANS.—The Chair of the Task Force shall incorporate, to the maximum extent practicable, any applicable plans developed by local, State and Federal agencies for the restoration of coastal wetland and other areas of the Gulf Coast ecosystem.

(d) CRITICAL AND EMERGENCY RESTORATION PROJECTS AND ACTIVITIES.—If the Chair of the Task Force, in cooperation with the Governors, determines that a restoration project or activity will produce independent, immediate, and substantial conservation, protection, or restoration benefits, and will be consistent with overall restoration goals, the Chair of the Task Force shall proceed expeditiously with the implementation of the project or activity in accordance with laws (including regulations) in existence on the date of enactment of this Act.

(e) PRIORITY PROJECTS.—

(1) LIST.—

(A) IN GENERAL.—The comprehensive plan shall include a list of specific projects to be funded and carried out during the subsequent 3-year period.

(B) PREREQUISITES.—Each project listed in the comprehensive plan shall be—

(i) consistent with the strategies identified in the comprehensive plan; and

(ii) cost-effective.

(C) UPDATES.—The Task Force shall update annually the list of projects in the comprehensive plan.

(2) SELECTION.—The Task Force shall select projects and activities to carry out under this section—

(A) based on the best available science;

(B) without regard to geographic location; and

(C) with the highest priority to projects and activities that will achieve the greatest contribution in restoring—

(i) the ability of Gulf Coast ecosystems to become self-sustaining;

(ii) biological productivity; and

(iii) ecosystem function in the Gulf of Mexico.

(f) COST SHARING.—The Federal share of projects and activities conducted under this section shall not exceed 65 percent, as determined by the Task Force.

(g) GULF COAST ECOSYSTEM RESTORATION TASK FORCE.—

(1) IN GENERAL.—There is established the Gulf Coast Ecosystem Restoration Task Force.

(2) MEMBERSHIP.—The Task Force shall consist of the following members or, in the case of a Federal agency, a designee at the level of Assistant Secretary or the equivalent:

(A) The Secretary of the Interior.

(B) The Secretary of Commerce.

(C) The Secretary of the Army.

(D) The Attorney General.

(E) The Secretary of Homeland Security.

(F) The Administrator of the Environmental Protection Agency.

(G) The Commandant of the Coast Guard.

(H) The Secretary of Transportation.

(I) The Secretary of Agriculture.

(J) A representative of each affected Indian tribe, appointed by the Secretary based on the recommendations of the tribal chairman.

(K) 2 representatives of each of the States of Alabama, Florida, Louisiana, and Mississippi, appointed by the Governor of each State, respectively.

(L) 2 representatives of local government within each of the States of Alabama, Florida, Louisiana, and Mississippi, appointed by the Governor of each State, respectively.

(3) CHAIR.—The chair of the Task Force shall be a Federal official appointed by the President.

(4) DUTIES.—The Task Force shall—

(A) consult with, and provide recommendations to, the Chair of the Task Force during development of the comprehensive plan;

(B) coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the restoration of the Gulf Coast ecosystem;

(C) establish a Gulf Coast-based working group composed of representatives of members of the Task Force and other local agencies and representatives as appropriate for purposes of recommending, coordinating, and implementing policies, programs, activities, and projects to accomplish Gulf Coast ecosystem restoration;

(D) coordinate scientific and other research associated with restoration of the Gulf Coast ecosystem;

(E) prepare an integrated financial plan and coordinated budget requests for the funds proposed to be expended by the agencies represented on the Task Force; and

(F) submit an annual report to Congress that summarizes the activities of the Task Force and the policies, plans, activities, and projects for restoration of the Gulf Coast ecosystem.

(5) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Task Force and the working group established under paragraph (4)(C) shall not be considered to be advisory committees under the Federal Advisory Committee Act (5 U.S.C. App.).

(h) RELATIONSHIP TO OTHER LAW AND AUTHORITY.—Nothing in this section preempts or otherwise affects any Federal law or limits the authority of any Federal agency.

TITLE XLIII—HYDRAULIC FRACTURING CHEMICALS

SEC. 4301. DISCLOSURE OF HYDRAULIC FRACTURING CHEMICALS.

(a) DISCLOSURE.—Title III of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11041 et seq.) is amended by adding at the end the following:

"SEC. 331. DISCLOSURE OF HYDRAULIC FRACTURING CHEMICALS.

''(a) IN GENERAL.—

''(1) STATE AUTHORITY.—A State that permits oil and natural gas drilling—

''(A) may require any person using hydraulic fracturing for an oil or natural gas well in the State to disclose to the State, not later than 30 days after completion of drilling the well, the list of chemicals used in each hydraulic fracturing process (identified by well location and number), including the chemical constituents of mixtures, Chemical Abstracts Service registry numbers, and material safety data sheets; and

''(B) shall make any such disclosure available to the public, including a posting of the information online.

''(2) DISCLOSURE IF NO STATE IMPLEMENTATION.—If a State that permits oil and natural gas drilling does not require and make available disclosures in accordance with paragraph (1) by December 31, 2011, or ceases to require and make available disclosures in accordance with paragraph (1) after that date, the operator of the oil or natural gas well in the State shall make available to the public online, not later than 30 days after completion of drilling the well, the list of chemicals used in each hydraulic fracturing process (identified by well location and number), including the chemical constituents of mixtures, Chemical Abstracts Service registry numbers, and material safety data sheets.

''(b) PROPRIETARY CHEMICAL FORMULAS; MEDICAL EMERGENCIES.—

''(1) IN GENERAL.—Except as provided in this subsection, this section does not require the disclosure of proprietary chemical formulas used in hydraulic fracturing.

''(2) DISCLOSURE IN MEDICAL EMERGENCIES.—

''(A) IN GENERAL.—If the State or the Administrator, or a treating physician or nurse, determines that a medical emergency exists and the proprietary chemical formulas, or the identity, of 1 or more chemical constituents used in hydraulic fracturing is necessary for medical treatment, the person using hydraulic fracturing shall immediately disclose the proprietary chemical formulas or the identity of the chemical constituents to the State, the Administrator, or that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement.

''(B) STATEMENT OF NEED.—The person using hydraulic fracturing may require a written statement of need and a confidentiality agreement as soon thereafter as circumstances permit.

''(c) THRESHOLDS INAPPLICABLE.—Threshold limitations under this Act shall not apply to disclosures made under this section.''.

(b) ENFORCEMENT.—Section 325(c)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11045(c)(2)) is amended by striking ''section 311 or 323(b)'' and inserting ''section 311, 323(b), 331(a)(2), or 331(b)''.

TITLE XLIV—WATERSHED RESTORATION

SEC. 4401. WATERSHED RESTORATION.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a program of watershed restoration and job stabilization for the purposes of—

(1) performing landscape scale restoration, reducing hazardous fuels, increasing employment, and maintaining infrastructure in timber communities; or

(2) making biomass available for sustainable economic development.

(b) ELIGIBLE PROJECTS.—The program conducted under this section may include projects and activities for—

(1) preparing and implementing riparian corridor improvements;

(2) fish and wildlife habitat improvements;

(3) invasive species eradications;

(4) nonsystem road decommissioning;

(5) appropriate road density achievement;

(6) forest health improvements; and

(7) sustainable timber harvest and fuels treatments, specifically for reducing the potential effects that fires pose to water quality and communities.

(c) FUNDING.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture $75,000,000, to remain available until expended, for use in carrying out this section.

(d) TERMINATION OF PROGRAM.—The program conducted under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

(e) NO EFFECT ON COMPLIANCE WITH LAWS.—Nothing in this section affects or limits the application of, or obligation to comply with, any law, including any public health or environmental law.

DIVISION E—FISCAL RESPONSIBILITY

SEC. 5001. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.

(a) EXTENSION OF APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Paragraph (2) of section 4611(f) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2017'' and inserting ''December 31, 2020''.

(b) INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Subparagraph (B) of section 4611(c)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) the Oil Spill Liability Trust Fund financing rate is 45 cents a barrel.''.

(c) INCREASE IN PER INCIDENT LIMITATIONS ON EXPENDITURES.—Subparagraph (A) of section 9509(c)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$1,000,000,000'' in clause (i) and inserting ''$5,000,000,000'';

(2) by striking ''$500,000,000'' in clause (ii) and inserting ''$2,500,000,000''; and

(3) by striking ''$1,000,000,000 PER INCIDENT, ETC'' in the heading and inserting ''PER INCIDENT LIMITATIONS''.

(d) EFFECTIVE DATE.—

(1) EXTENSION OF FINANCING RATE.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INCREASE IN FINANCING RATE.—The amendment made by subsection (b) shall apply to crude oil received and petroleum products entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

DIVISION F—MISCELLANEOUS

SEC. 6001. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN (for herself, Mr. CRAPO, Mr. UDALL of Colorado, Mr. BENNET, and Mrs. BOXER):

S. 3664. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senators CRAPO, UDALL of Colorado, BENNET of Colorado, and BOXER, to introduce legislation that will help preserve the great tradition of the American family farm.

Our legislation is called the Family Farm Estate Tax Deferral Act.

It is designed to prevent the unintended consequences of the estate tax's disproportionate impact on family farms, by providing relief to families who want to continue their family farming and ranching operations.

This is especially important in California, where high unemployment has devastated many of our state's agricultural communities.

Specifically, this legislation would allow qualifying family operated farms and ranches to defer estate taxes if the farm-related income of the decedent in the three years prior to death does not exceed $750,000 annually, and the nonfarm related income does not exceed $500,000 per year; the farm is passed down to a family member who has been materially engaged in its management and operations for at least 5 years; the farm generated more than 50 percent of the farm owner's income, or comprised more than 50 percent of the farm owner's estate at the time of death; the farm was owned by the decedent for at least 5 years and is located within the United States.

The family member inheriting the estate continues to use the land for farming purposes; and, at the time of his or her death, the decedent associated with the estate was a U.S. citizen or legal resident of the United States.

The bill also includes a ''recapture'' provision, to ensure that farm heirs are subject to strict oversight and must pay taxes if at any time they sell the land or cease to use the property for farming.

The bill would also encourage the preservation of land and protect millions of acres of open space and wildlife habitat. It does so by incorporating legislation introduced in the House by Representative EARL BLUMENAUER to increase the limitation on the estate tax exclusion for conservation easements to $5 million, up from $500,000.

Farm and ranch estates are estimated to be up to 20 times more likely to face an estate tax burden than other estates.

Roughly one in 10 family farms and ranches confronted estate tax bills last year, according to data from the U.S. Department of Agriculture Economic Research Service.

Let me explain why this is cause for concern, and why our legislation is so important.

Most of the financial value of a family farm or ranch operation lies in its land. Assets such as specialized equipment and production tools have limited resale value and are not likely to quickly generate sufficient liquidity.

It is land—not securities or other more-liquid assets—that comprises the lion's share of many farmers' assets. So, many farmers are quite literally land rich, and cash poor.

The property value of fertile farmland can appreciate greatly over time.

For example, in 1997 the average farm real estate value was $926 per acre; today it is $2160 per acre, according to the Land Trust Alliance. This represents a 133 percent increase in the value of farmland in just over a decade.

As this farmland appreciates, the potential estate tax bill grows.

When a farm estate is passed on to an heir, portions of the land are sometimes fragmented, or even sold to developers in order to manage the tax consequences.

The result is that some farms are rendered inoperable, and heirs face difficult choices in these tough economic times.

Let me share the story of a constituent, Hannah Tangeman-Cheney, whose story illustrates the problem.

Hannah's ranch in Susanville, California, has been owned by her family since 1862, and run by women since 1914.

After her mother passed away, Hannah had to deal with the IRS, attorneys, and appraisers, during this difficult period in her life. Her mother had a will and a trust, but there was still a significant tax burden that Hannah and her sister had to deal with.

It took 2 years for Hannah and the IRS to reach agreement on the value of her ranch since their appraisers came up with different numbers.

Eventually, she reached agreement with the IRS to pay the taxes off over a ten-year period.

Facing these difficult circumstances, Hannah and her sister made the painful decision to harvest thousands of trees.

In all, 13,157 trees were cut—far more than they would have ever dreamed of harvesting under any other circumstances.

Some of the trees took more than 100 years to grow, and the property had not been harvested since the 1950's.

Eventually, she was able to pay off the taxes, but this was a very emotional experience for Hannah and her sister.

They are both environmentally conscious, and their ranch was even certified as part of the ''Green Building'' program with the Forest Stewardship Council.

Our legislation is designed to prevent these unintended consequences, and provide relief to families wishing to keep their farms in operation.

By mandating a $750,000 cap on income in order to qualify, we can ensure that this relief goes to those farmers who need it most, not to major agribusinesses.

To be clear, many Americans have suffered tremendously during this very difficult economic downturn.

But, some agricultural communities have been hit especially hard.

Family farms in many of California's most productive agricultural areas are currently struggling just to make ends meet.

I come from the largest agricultural state in the country.

California has suffered a crippling three-year drought, and many growers have had to fallow their fields to cut their losses.

Many have had to lay off employees, and some have left the business entirely.

These hardships can be seen, and I have witnessed them firsthand, in Fresno County where the unemployment rate is 16 percent.

In Kings County unemployment is 15.9 percent. Tulare County unemployment is 15.8 percent.

Imperial County is suffering under unemployment which has reached 27.6

percent. Within these counties, unemployment in some agricultural communities has touched 40 percent.

Farms and ranches are an important source of jobs in these communities.

This legislation aims to protect family farms that intend to hire, while providing more certainty to thousands of workers across the State.

In 2006, I warned that difficult decisions would be required before the estate tax expired in 2010.

Well, 2010 is here and the picture of our nation's fiscal health is not a pretty one.

We are facing a record $1.3 trillion budget deficit.

The national debt has reached a new high at roughly $13 trillion.

The parameters of the estate tax debate have shifted for most, by necessity.

Full estate tax repeal is out of the question, and our number one priority for allocating federal resources has rightly been shifted to job creation and economic recovery.

But, absent Congressional action, the estate tax will return with ferocity next year at a 55 percent rate with an exemption level of $1 million.

I don't think this is something that many in this body would like to see.

So, any estate tax reform must be well-targeted and balanced to ensure it is fiscally responsible.

As we work to develop comprehensive, permanent, and fiscally-responsible estate tax reform this year, I urge my colleagues to remember that the estate tax was never intended to prevent family farms from being passed from generation to generation.

Our legislation resolves this issue for once and for all, and by safeguarding against loopholes for rich farming conglomerates and agribusinesses, it does so at minimal cost.

Moreover, we take steps forward to protect our precious environment and preserve open space and agricultural lands.

There is no doubt that many family farmers are under financial pressure during these difficult times.

We must take steps to bring relief to the very family farmers and ranchers who have devoted their lives to helping feed and sustain this great nation.

This legislation is a fiscally responsible and targeted effort to ensure that we preserve this tradition for legitimate working farms.

Estate tax reform must be addressed soon, and this issue can no longer be delayed.

I urge my colleagues to support this effort and to enact this legislation as quickly as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 596—TO DESIGNATE SEPTEMBER 25, 2010, AS ''NATIONAL ESTUARIES DAY''

Mr. WHITEHOUSE (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. CASEY, Mr. REED, Mrs. MURRAY, Mr. KERRY, Mr. WYDEN, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. WARNER, Mr. MERKLEY, Mr. MENENDEZ, Ms. LANDRIEU, Mr. SCHUMER, Mr. NELSON of Florida, Mr. KAUFMAN, Ms. COLLINS, Mr. GREGG, Mr. WEBB, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 596

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of the employment, and 49 percent of the economic output of the United States located in the estuary regions of the United States;

Whereas coasts and estuaries contribute more than $800,000,000,000 annually in trade and commerce to the United States economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in some form of recreation, generating $8,000,000,000 to $12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported by commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and the protection of coastal communities during extreme weather events;

Whereas 55,000,000 acres of estuarine habitat have been destroyed during the 100 years preceding the date of agreement to this resolution;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, harmful algae, and marine debris;

Whereas sea level rise is accelerating the degradation of estuaries by—

(1) submerging low-lying land;

(2) eroding beaches;

(3) converting wetland to open water;

(4) exacerbating coastal flooding; and

(5) increasing the salinity of estuaries and freshwater aquifers;

Whereas the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) declares that it is the national policy to preserve, protect, develop, and if possible, to restore or enhance, the resources of the coastal zone of the United States, including estuaries, for current and future generations;

Whereas scientific study leads to better understanding of the benefits of estuaries to human and ecological communities;

Whereas Federal, State, local, and tribal governments, national and community organizations, and individuals work together to effectively manage the estuaries of the United States;

Whereas estuary restoration efforts restore natural infrastructure in local communities in a cost effective manner, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas September 25, 2010, has been designated as ''National Estuaries Day'' to increase awareness among all people of the United States, including Federal, State and local government officials, about the importance of healthy estuaries and the need to protect and restore estuaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 25, 2010, as ''National Estuaries Day'';

(2) supports the goals and ideals of National Estuaries Day;

(3) acknowledges the importance of estuaries to the economic well-being and productivity of the United States;

(4) recognizes that persistent threats undermine the health of the estuaries of the United States;

(5) applauds the work of national and community organizations and public partners that promote public awareness, understanding, protection, and restoration of estuaries;

(6) reaffirms the support of the Senate for estuaries, including the scientific study, preservation, protection, and restoration of estuaries; and

(7) expresses the intent of the Senate to continue working to understand, protect, and restore the estuaries of the United States.

SENATE RESOLUTION 597—DESIGNATING SEPTEMBER 2010 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BURR, Mr. BURRIS, Mr. CARDIN, Mr. CASEY, Mr. CHAMBLISS, Mr. COCHRAN, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. INHOFE, Mr. JOHNSON, Mr. JOHANNS, Mr. KERRY, Ms. LANDRIEU, Mr. LUGAR, Mr. SCHUMER, Mr. SHELBY, Mr. SPECTER, Mr. TESTER, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 597

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas in 2010, 217,730 males in the United States will be diagnosed with prostate cancer, and 32,050 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer incidence rate that is up to 65 percent higher than White males and have double the prostate cancer mortality rate of White males;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 1 in 3 chance of being diagnosed with the disease; males with 2 family members diagnosed have an 83 percent chance; and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 33 percent of males survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as ''National Prostate Cancer Awareness Month'';

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of prostate cancer so that—

(i) screening and treatment may be improved;

(ii) the causes may be discovered; and

(iii) a cure may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

SENATE RESOLUTION 598—DESIGNATING SEPTEMBER 2010 AS ''NATIONAL CHILD AWARENESS MONTH'' TO PROMOTE AWARENESS OF CHARITIES BENEFITTING CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING EFFORTS MADE BY THESE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS CRITICAL CONTRIBUTIONS TO THE FUTURE OF THE NATION

Mr. BURR (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 598

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the Nation;

Whereas September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2010 as ''National Child Awareness Month'' would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2010 as ''National Child Awareness Month''—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by such charities and organizations on behalf of children and youth as critical contributions to the future of the Nation.

SENATE RESOLUTION 599—DESIGNATING AUGUST 16, 2010, AS ''NATIONAL AIRBORNE DAY''

Ms. MURKOWSKI (for herself, Mr. REED, Mr. REID, Mrs. HAGAN, Mr. BURR, Mrs. LINCOLN, Mr. VOINOVICH, Mr. INHOFE, Mr. CRAPO, Ms. SNOWE, Mr. BACUS, Mr. ISAKSON, Mr. BEGICH, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Mr. THUNE, Mr. AKAKA, Mr. BURRIS, Mr. SESSIONS, Mr. ROBERTS, Mr. WHITEHOUSE, Mr. BOND, Mr. BENNETT, Ms. LANDRIEU, Mr. CHAMBLISS, Mr. INOUYE, and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

S. RES. 599

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of bold and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas the United States experiment with airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War and was launched when 48 volunteers began training in July 1940;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, to test the innovative concept of inserting United States ground combat forces behind a battle line by means of parachute;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those first airborne units are the former 11th, 13th, and 17th Airborne Divisions, the current 82nd and 101st Airborne Divisions, and the later airborne regiments and battalions (some as components of those divisions and some as separate units) that achieved distinction as the 75th Ranger Regiment, the 173rd Airborne Brigade Combat Team, the 187th Infantry (Airborne) Regiment, which is the only airborne unit to have served as a Glider, Parachute, and Air Assault Regiment, the 501st, 502nd, 503rd, 504th, 505th, 506th, 507th, 508th, 509th, 511th, 513th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th, 127th, 193rd, 194th, 325th, 326th, 327th, and 401st Glider Infantry Regiments, the 509th, 550th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas since the terrorist attacks on September 11, 2001, United States paratroopers, which include members of the XVIII Airborne Corps, the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade Combat Team, the 4th Brigade (Airborne) of the 25th Infantry Division, the 75th Ranger Regiment, and special forces units, together with other units of the Armed Forces, have demonstrated bravery and honor in combat operations, civil affairs missions, and training operations in Afghanistan and Iraq;

Whereas the modern day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, Air Force combat control teams, pararescue, and weather teams, all of which are part of the United States Special Operations Command;

Whereas of the members and former members of the United States airborne forces, thousands have achieved the distinction of making combat jumps, dozens have earned the Medal of Honor, and hundreds have earned the Distinguished Service Cross, the Silver Star Medal, or other decorations and awards for displays heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable tradition that, together with their special skills and achievements, distinguishes them as intrepid combat parachutists, air assault forces, special operation forces, and, in former days, glider troops;

Whereas the history and achievements of the members and former members of the United States airborne forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2010, as ''National Airborne Day''; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 600—TO AUTHORIZE DOCUMENT PRODUCTION AND TESTIMONY BY, AND REPRESENTATION OF, THE SELECT COMMITTEE ON INTELLIGENCE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 600

Whereas, the United States Department of Justice has requested that the Senate Select Committee on Intelligence provide it with documents in connection with a pending investigation into the unauthorized disclosure of classified national security information;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former or current employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the United States Department of Justice, under appropriate security procedures, copies of Committee documents sought in connection with a pending investigation into the unauthorized disclosure of classified national security information, and former and current employees of the Committee are authorized to testify in proceedings arising out of that investigation, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent the Select Committee on Intelligence, and any former or current employee of the Committee from whom testimony may be required, in connection with the testimony and document production authorized in section one of this resolution.

SENATE CONCURRENT RESOLUTION 69—RECOGNIZING THE 500TH ANNIVERSARY OF THE BIRTH OF ITALIAN ARCHITECT ANDREA PALLADIO

Mr. ENZI submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 69

Whereas 2008 was the 500th anniversary of the birth year of the Italian architect Andrea Palladio;

Whereas Andrea Palladio was born Andrea di Pietro in Padua on November 30, 1508;

Whereas Palladio, born of humble origins, apprenticed as a stonemason in his early life;

Whereas under the patronage of Count Giangiorgio Trissino (1478–1550), Palladio studied architecture, engineering, topography, and military science in his mid-twenties;

Whereas in 1540, Count Trissino renamed him ''Palladio'', a reference to the wisdom of Pallas Athena, as well as the Italian form of the name of the Roman writer of the fourth century, Rutilius Taurus Aemilianus Palladius;

Whereas Palladio's designs for public works, churches, mansions, and villas rank among the most outstanding architectural achievements of the Italian Renaissance;

Whereas Palladio's surviving buildings are collectively included in the UNESCO World Heritage List;

Whereas Palladio's treatise, ''The Four Books of Architecture'', ranks as the most influential publication on architecture ever produced and has shaped much of the architectural image of Western civilization;

Whereas ''The Four Books of Architecture'' has served as a primary source for classical design for many architects and builders in the United States from colonial times to the present;

Whereas Thomas Jefferson called Palladio's ''The Four Books of Architecture'' the ''Bible'' for architectural practice, and employed Palladio's principles in establishing lasting standards for public architecture in the United States and in constructing his own masterpiece, Monticello;

Whereas our Nation's most iconic buildings, including the United States Capitol Building and the White House, reflect the influence of Palladio's architecture through the Anglo-Palladian movement, which flourished in the 18th century;

Whereas Palladio's pioneering reconstruction and restoration drawings of ancient Roman temples in ''The Four Books of Architecture'' provided inspiration for many of the great American classical edifices of the 19th and 20th centuries, in the period known as the American Renaissance;

Whereas the American Renaissance marked the high point of the classical tradition and enriched the United States from coast to coast with countless architectural works of timeless dignity and beauty, including the John A. Wilson Building, the seat of government of the District of Columbia;

Whereas the American architectural monuments inspired both directly and indirectly by the writings, illustrations, and designs of Palladio form a proud and priceless part of our Nation's cultural heritage;

Whereas a special exhibition, ''Palladio and His Legacy: A Transatlantic Journey'', featuring 31 original Palladio drawings, organized by the Royal Institute of British Architects Trust in association with the Centro Internazionale di Studi di Architettura Andrea Palladio, demonstrates how Palladio's work has significantly influenced American architecture from colonial times to the present and will travel to The Morgan Library & Museum, the National Building Museum, the Milwaukee Art Museum, and The Heinz Architectural Center, Carnegie Museum of Art during the years 2010 and 2011; and

Whereas other organizations, educational institutions, museums, governmental agencies and many other entities have continued to celebrate the 500th anniversary of the birth of Palladio, beyond the year 2008, including the Italian National Committee for Andrea Palladio 500, the Istituto Italiano di Cultura, the Institute of Classical Architecture & Classical America, the Center for Palladian Studies in America, Inc. and the Palladium Musicum, Inc., as well as Italian American cultural organizations, such as the Italian Heritage and Culture Committee of New York, Inc., with a wide variety of public programs, museum exhibits, publications, symposia, proclamation ceremonies and salutes to the genius and legacy of Palladio. Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the 500th anniversary of Andrea Palladio's birth year;

(2) recognizes his tremendous influence on architecture in the United States; and

(3) expresses its gratitude for the enhancement his life and career has bestowed upon the Nation's built environment.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4532. Mr. CORNYN (for himself, Mrs. MCCASKILL, Mr. BOND, Mrs. HUTCHISON, Ms. LANDRIEU, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4533. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4534. Mr. UDALL of Colorado (for himself, Ms. COLLINS, Mr. REID, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. SANDERS, Mr. INOUYE, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4535. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4536. Mr. BENNET (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4537. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4538. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4539. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4540. Mr. WEBB (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4541. Mr. DODD (for himself, Mr. COCHRAN, Ms. MIKULSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4542. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4543. Mr. WEBB (for himself, Ms. LANDRIEU, Mr. NELSON of Florida, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4544. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4545. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4546. Mrs. LINCOLN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4547. Mrs. LINCOLN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4548. Mrs. LINCOLN (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4549. Mrs. LINCOLN (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4550. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KAUFMAN, Mr. LEAHY, Mr. LEMIEUX, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. PRYOR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4551. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4552. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4553. Mrs. LINCOLN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4554. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4555. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4556. Mr. ROCKEFELLER (for himself and Mr. GOODWIN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4557. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4558. Mrs. HUTCHISON (for herself, Mr. GRAHAM, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4559. Mr. HATCH (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4560. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4561. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4532. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF EXPENDITURE DEADLINE OF SOCIAL SERVICES BLOCK GRANT DISASTER FUNDING.

Notwithstanding any other provision of law, amounts made available to the Department of Health and Human Services, Administration for Children and Families, under the heading ''Social Services Block Grant'' under chapter 7 of division B of Public Law 110–329, shall remain available for expenditure through September 30, 2012.

SA 4533. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

In section 4261 (relating to emergency agricultural disaster assistance), strike subsection (h).

SA 4534. Mr. UDALL of Colorado (for himself, Ms. COLLINS, Mr. REID, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. SANDERS, Mr. INOUYE, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, after line 25, add the following:

SEC. 1137. LIMITS ON MEMBER BUSINESS LOANS.

(a) IN GENERAL.—

(1) REVISED LIMITATION AND CRITERIA.—Effective 6 months after the date of enactment of this Act, section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended to read as follows:

''(a) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an insured credit union may not make any member business loan that would result in the total amount of such loans outstanding at that credit union at any one time to be equal to more than the lesser of—

''(A) 1.75 times the actual net worth of the credit union; or

''(B) 12.25 percent of the total assets of the credit union.

''(2) ADDITIONAL AUTHORITY.—The Board may approve an application by an insured credit union upon a finding that the credit union meets the criteria under this paragraph to make 1 or more member business loans that would result in a total amount of such loans outstanding at any one time of not more than 27.5 percent of the total assets of the credit union, if the credit union—

''(A) had member business loans outstanding at the end of each of the 4 consecutive quarters immediately preceding the date of the application, in a total amount of not less than 80 percent of the applicable limitation under paragraph (1);

''(B) is well capitalized, as defined in section 216(c)(1)(A);

''(C) can demonstrate at least 5 years of experience of sound underwriting and servicing of member business loans;

''(D) has the requisite policies and experience in managing member business loans; and

''(E) has satisfied other standards that the Board determines are necessary to maintain the safety and soundness of the insured credit union.

''(3) EFFECT OF NOT BEING WELL CAPITALIZED.—An insured credit union that has made member business loans under an authorization under paragraph (2) and that is not, as of its most recent quarterly call report, well capitalized, may not make any member business loans, until such time as the credit union becomes well capitalized, as reflected in a subsequent quarterly call report, and obtains the approval of the Board.''.

(b) IMPLEMENTATION.—

(1) TIERED APPROVAL PROCESS.—The Board shall develop a tiered approval process, under which an insured credit union gradually increases the amount of member business lending in a manner that is consistent with safe and sound operations, subject to the limits established under section 107A(a)(2) of the Federal Credit Union Act (as amended by this Act). The rate of increase under the process established under this paragraph may not exceed 30 percent per year.

(2) RULEMAKING REQUIRED.—The Board shall issue proposed rules, not later than 6 months after the date of enactment of this Act, to establish the tiered approval process required under paragraph (1). The tiered approval process shall establish standards designed to ensure that the new business lending capacity authorized under the amendment made by subsection (a) is being used

only by insured credit unions that are well-managed and well capitalized, as required by the amendments made under subsection (a) and as defined by the rules issued by the Board under this paragraph.

(3) CONSIDERATIONS.—In issuing rules required under this subsection, the Board shall consider—

(A) the experience level of the institutions, including a demonstrated history of sound member business lending;

(B) the criteria under section 107A(a)(2) of the Federal Credit Union Act, as amended by this Act; and

(C) such other factors as the Board determines necessary or appropriate.

(c) REPORTS TO CONGRESS ON MEMBER BUSINESS LENDING.—

(1) REPORT OF THE BOARD.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Board shall submit a report to Congress on member business lending by insured credit unions.

(B) REPORT.—The report required under subparagraph (A) shall include—

(i) the types and asset size of insured credit unions making member business loans and the member business loan limitations applicable to the insured credit unions;

(ii) the overall amount and average size of member business loans by each insured credit union;

(iii) the ratio of member business loans by insured credit unions to total assets and net worth;

(iv) the performance of the member business loans, including delinquencies and net charge offs;

(v) the effect of this section on the number of insured credit unions engaged in member business lending, any change in the amount of member business lending, and the extent to which any increase is attributed to the change in the limitation in section 107A(a) of the Federal Credit Union Act, as amended by this Act;

(vi) the number, types, and asset size of insured credit unions that were denied or approved by the Board for increased member business loans under section 107A(a)(2), as amended by this Act, including denials and approvals under the tiered approval process;

(vii) the types and sizes of businesses that receive member business loans, the duration of the credit union membership of the businesses at the time of the loan, the types of collateral used to secure member business loans, and the income level of members receiving member business loans; and

(viii) the effect of any increases in member business loans on the risk to the National Credit Union Share Insurance Fund and the assessments on insured credit unions.

(2) GAO STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the status of member business lending by insured credit unions, including—

(i) trends in such lending;

(ii) types and amounts of member business loans;

(iii) the effectiveness of this section in enhancing small business lending;

(iv) recommendations for legislative action, if any, with respect to such lending; and

(v) any other information that the Comptroller General considers relevant with respect to such lending.

(B) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study required by subparagraph (A).

(d) DEFINITIONS.—In this section—

(1) the term ''Board'' means the National Credit Union Administration Board;

(2) the term ''insured credit union'' has the meaning given that term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(3) the term ''member business loan'' has the meaning given that term in section 107A(c)(1) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1));

(4) the term ''net worth'' has the meaning given that term in section 107A(c)(2) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(2)); and

(5) the term ''well capitalized'' has the meaning given that term in section 216(c)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1709d(c)(1)(A)).

SA 4535. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, after line 25, add the following:

SEC. 1137. SURETY BONDS.

Section 508(f) of division A of the American Recovery and Reinvestment Act of 2009 (15 U.S.C. 694a note) is repealed.

SA 4536. Mr. BENNET (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, after line 25, add the following:

SEC. 1137. TARGETED SMALL BUSINESS LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 23 of the Small Business Act (15 U.S.C. 650) is amended by adding at the end the following:

''(k) TARGETED SMALL BUSINESS LENDING PILOT PROGRAM.—

''(1) PURPOSE.—The purpose of the targeted small business lending pilot program is to increase the lending activity of small business lending companies to small business concerns operating in low-income communities.

''(2) DEFINITIONS.—In this subsection:

''(A) LOW-INCOME COMMUNITY.—The term 'low-income community' means a low-income community within the meaning of section 45D(e) of the Internal Revenue Code of 1986 (relating to the new markets tax credit).

''(B) TARGETED SMALL BUSINESS LENDING COMPANY.—The term 'targeted small business lending company' means a business concern—

''(i) described in section 3(r)(1), without regard to whether the business concern was authorized to make loans under section 7(a) before the date on which the Administrator authorizes the business concern to make the loans under this subsection;

''(ii) that has a primary mission of serving or providing investment capital for low-income communities, low-income persons, or businesses located in low-income communities;

''(iii) that maintains accountability to low-income communities through participation of representatives of the communities on a governing or an advisory board to the business concern;

''(iv) that has a demonstrated ability, directly or through a controlling entity, to make loans to businesses in low-income communities; and

''(v) that makes substantially all of the loans made by the business concern to businesses operating in low-income communities.

''(3) ESTABLISHMENT.—There is established a targeted small business lending pilot program, under which the Administrator—

''(A) shall authorize not more than 12 targeted small business lending companies to make loans under section 7(a); and

''(B) may not charge a fee relating to an authorization under subparagraph (A).

''(4) SAFETY AND SOUNDNESS REQUIREMENTS.—

''(A) PROHIBITION ON SALE OF AUTHORIZATION.—A targeted small business lending company may not sell the authorization of the targeted small business lending company to make loans under section 7(a).

''(B) GAO REVIEW.—During the 2-year period beginning on the date of enactment of this subsection, the Comptroller General of the United States shall—

''(i) review the oversight of targeted small business lending companies by the Administration; and

''(ii) submit periodic reports to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the review under clause (i).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(r)(1) of the Small Business Act (15 U.S.C. 632(r)(1)) is amended by inserting '', including a targeted small business lending company authorized under section 23(k)'' before the period at the end.

SA 4537. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 21, add the following:

SEC. 1336. STUDY BY COMPTROLLER GENERAL.

(a) DEFINITIONS.—In this section—

(1) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the meaning given those terms under section 3 of the Small Business Act (15 U.S.C. 632);

(2) the term ''minority business enterprise'' means a small business concern that is unconditionally owned, controlled, and managed by an individual who is—

(A) a Black American;

(B) a Hispanic American;

(C) a Native American, including an American Indian, Eskimo, Aleut, or Native Hawaiian;

(D) an Asian Pacific American, including an individual having origins in any of the original peoples of Myanmar, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China (including Hong Kong), Taiwan, Laos, Cambodia (Kampuchea), Vietnam, North Korea, South Korea, the Philippines, a United States Trust Territory of the Pacific Islands (including the Republic of Palau), the Republic of the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, or Nauru;

(E) a Subcontinent Asian American, including an individual having origins in any of the original peoples of India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal; or

(F) a member of another minority group, as determined by the Administrator of the Small Business Administration;

(3) the term ''qualified HUBZone small business concern'' means a HUBZone small business concern that is qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)); and

(4) the term ''small business concern owned and controlled by socially and economically disadvantaged individuals'' has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(b) STUDY REQUIRED.—The Comptroller General of the United States shall carry out a study on the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals, qualified HUBZone small business concerns, minority business enterprises, and small business concerns owned and controlled by women in procurement contracts awarded using funds made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), which shall include—

(1) determining the percentage of all contracts awarded by Federal agencies and departments using funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116) that were awarded to—

(A) small business concerns owned and controlled by socially and economically disadvantaged individuals;

(B) minority business enterprises;

(C) small business concerns owned and controlled by women; and

(D) qualified HUBZone small business concerns; and

(2) evaluating whether Federal agencies and departments have met the Government-wide goals established under section 15(g) of the Small Business Act (15 U.S.C. 644(g)) for procurement contracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women, with respect to procurement contracts awarded using funds made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116).

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study required under subsection (b).

SA 4538. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 224, strike line 12 and all that follows through page 225, line 10, and insert the following:

(4) INELIGIBLE INSTITUTIONS.—

(A) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(i) IN GENERAL.—An eligible institution may not receive any capital investment under the Program, if—

(I) such institution is on the FDIC problem bank list; or

(II) such institution has been removed from the FDIC problem bank list for less than 90 days.

(ii) CONSTRUCTION.—Nothing in clause (i) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(iii) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this subparagraph, the term ''FDIC problem bank list'' means the list of depository institutions having a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(B) INELIGIBILITY OF NON-PAYING CPP PARTICIPANTS.—

(i) IN GENERAL.—An eligible institution that has missed more than one dividend payment due under the CPP may not receive any capital investment under the Program.

(ii) DETERMINATION OF MISSED DIVIDEND PAYMENTS.—For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

SA 4539. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, between lines 3 and 4, insert the following:

(v) If the eligible institution notifies the Secretary in the application for a capital investment under the Program that the eligible institution elects to have such loans included as small business lending by the eligible institution, construction, land development, and other land loans.

SA 4540. Mr. WEBB (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE _____—TAXPAYER FAIRNESS ACT

SEC. __001. SHORT TITLE.

This title may be cited as the ''Taxpayer Fairness Act''.

SEC. __002. FINDINGS.

Congress finds the following:

(1) During the years 2008 and 2009, the Nation's largest financial firms received extraordinary and unprecedented assistance from the public.

(2) Such assistance was critical to the success and in many cases the survival of these firms during the year 2009.

(3) High earners at such firms should contribute a portion of any excessive bonuses obtained for the year 2009 to help the Nation reduce the public debt and recover from the recession.

SEC. __003. EXCISE TAXES ON EXCESSIVE 2009 BONUSES RECEIVED FROM MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.

(a) IMPOSITION OF TAX.—Chapter 46 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 4999A. EXCESSIVE 2009 BONUSES RECEIVED FROM MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.

''(a) IMPOSITION OF TAX.—There is hereby imposed on any person who receives a covered excessive 2009 bonus a tax equal to 50 percent of the amount of such bonus.

''(b) DEFINITION.—For purposes of this section, the term 'covered excessive 2009 bonus' has the meaning given such term by section 280I(b).

''(c) ADMINISTRATIVE PROVISIONS AND SPECIAL RULES.—

''(1) WITHHOLDING.—

''(A) IN GENERAL.—In the case of any covered excessive 2009 bonus which is treated as wages for purposes of section 3402, the amount otherwise required to be deducted and withheld under such section shall be increased by the amount of the tax imposed by this section on such bonus.

''(B) BONUSES PAID BEFORE ENACTMENT.—In the case of any covered excessive 2009 bonus to which subparagraph (A) applies which is paid before the date of the enactment of this section, no penalty, addition to tax, or interest shall be imposed with respect to any failure to deduct and withhold the tax imposed by this section on such bonus.

''(2) TREATMENT OF TAX.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A.

''(3) NOTICE REQUIREMENTS.—The Secretary shall require each major Federal emergency economic assistance recipient (as defined in section 280I(d)(1)) to notify, as soon as practicable after the date of the enactment of this section and at such other times as the Secretary determines appropriate, the Secretary and each covered employee (as defined in section 280I(e)) of the amount of covered excessive 2009 bonuses to which this section applies and the amount of tax deducted and withheld on such bonuses.

''(4) SECRETARIAL AUTHORITY.—The Secretary may prescribe such regulations, rules,

and guidance of general applicability as may be necessary to carry out the provisions of this section, including—

''(A) to prescribe the due date and manner of payment of the tax imposed by this section with respect to any covered excessive 2009 bonus paid before the date of the enactment of this section, and

''(B) to prevent—

''(i) the recharacterization of a bonus payment as a payment which is not a bonus payment in order to avoid the purposes of this section,

''(ii) the treatment as other than an additional 2009 bonus payment of any payment of increased wages or other payments to a covered employee who receives a bonus payment subject to this section in order to reimburse such covered employee for the tax imposed by this section with regard to such bonus, or

''(iii) the avoidance of the purposes of this section through the use of partnerships or other pass-thru entities.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading and table of sections for chapter 46 of the Internal Revenue Code of 1986 are amended to read as follows:

''CHAPTER 46—TAXES ON CERTAIN EXCESSIVE REMUNERATION

''Sec. 4999. Golden parachute payments.
''Sec. 4999A. Excessive 2009 bonuses received from major recipients of Federal emergency economic assistance.''.

(2) The item relating to chapter 46 in the table of chapters for subtitle D of such Code is amended to read as follows:

''Chapter 46. Taxes on certain excessive remuneration.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments of covered excessive 2009 bonuses after December 31, 2008, in taxable years ending after such date.

SEC. __004. LIMITATION ON DEDUCTION OF AMOUNTS PAID AS EXCESSIVE 2009 BONUSES BY MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 280I. EXCESSIVE 2009 BONUSES PAID BY MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.

''(a) GENERAL RULE.—The deduction allowed under this chapter with respect to the amount of any covered excessive 2009 bonus shall not exceed 50 percent of the amount of such bonus.

''(b) COVERED EXCESSIVE 2009 BONUS.—For purposes of this section, the term 'covered excessive 2009 bonus' means any 2009 bonus payment paid during any calendar year to a covered employee by any major Federal emergency economic assistance recipient, to the extent that the aggregate of such 2009 bonus payments (without regard to the date on which such payments are paid) with respect to such employee exceeds the dollar amount of the compensation received by the President under section 102 of title 3, United States Code, for calendar year 2009.

''(c) 2009 BONUS PAYMENT.—

''(1) IN GENERAL.—The term '2009 bonus payment' means any payment which—

''(A) is a payment for services rendered,

''(B) is in addition to any amount payable to a covered employee for services performed by such covered employee at a regular hourly, daily, weekly, monthly, or similar periodic rate,

''(C) in the case of a retention bonus, is paid for continued service during calendar year 2009 or 2010, and

''(D) in the case of a payment not described in subparagraph (C), is attributable to services performed by a covered employee during calendar year 2009 (without regard to the year in which such payment is paid).

Such term does not include payments to an employee as commissions, contributions to any qualified retirement plan (as defined in section 4974(c)), welfare and fringe benefits, overtime pay, or expense reimbursements. In the case of a payment which is attributable to services performed during multiple calendar years, such payment shall be treated as a 2009 bonus payment to the extent it is attributable to services performed during calendar year 2009.

''(2) DEFERRED DEDUCTION BONUS PAYMENTS.—

''(A) IN GENERAL.—The term '2009 bonus payment' includes payments attributable to services performed in 2009 which are paid in the form of remuneration (within the meaning of section 162(m)(4)(E)) for which the deduction under this chapter (determined without regard to this section) for such payment is allowable in a subsequent taxable year.

''(B) TIMING OF DEFERRED DEDUCTION BONUS PAYMENTS.—For purposes of this section and section 4999A, the amount of any payment described in subparagraph (A) (as determined in the year in which the deduction under this chapter, determined without regard to this section, for such payment would be allowable) shall be treated as having been made in the calendar year in which any interest in such amount is granted to a covered employee (without regard to the date on which any portion of such interest vests).

''(3) RETENTION BONUS.—The term 'retention bonus' means any bonus payment (without regard to the date such payment is paid) to a covered employee which—

''(A) is contingent on the completion of a period of service with a major Federal emergency economic assistance recipient, the completion of a specific project or other activity for the major Federal emergency economic assistance recipient, or such other circumstances as the Secretary may prescribe, and

''(B) is not based on the performance of the covered employee (other than a requirement that the employee not be separated from employment for cause).

A bonus payment shall not be treated as based on performance for purposes of subparagraph (B) solely because the amount of the payment is determined by reference to a previous bonus payment which was based on performance.

''(d) MAJOR FEDERAL EMERGENCY ECONOMIC ASSISTANCE RECIPIENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'major Federal emergency economic assistance recipient' means—

''(A) any financial institution (within the meaning of section 3 of the Emergency Economic Stabilization Act of 2008) if at any time after December 31, 2007, the Federal Government acquires—

''(i) an equity interest in such person pursuant to a program authorized by the Emergency Economic Stabilization Act of 2008 or the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343), or

''(ii) any warrant (or other right) to acquire any equity interest with respect to such person pursuant to any such program,

but only if the total value of the equity interest described in clauses (i) and (ii) in such person is not less than $5,000,000,000,

''(B) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

''(C) any person which is a member of the same affiliated group (as defined in section 1504, determined without regard to subsection (b) thereof) as a person described in subparagraph (A) or (B).

''(2) TREATMENT OF CONTROLLED GROUPS.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single employer with respect to any covered employee.

''(e) COVERED EMPLOYEE.—For purposes of this section, the term 'covered employee' means, with respect to any major Federal emergency economic assistance recipient—

''(1) any employee of such recipient, and

''(2) any director of such recipient who is not an employee.

In the case of any major Federal emergency economic assistance recipient which is a partnership or other unincorporated trade or business, the term 'employee' shall include employees of such recipient within the meaning of section 401(c)(1).

''(f) REGULATIONS.—The Secretary may prescribe such regulations, rules, and guidance of general applicability as may be necessary to carry out the provisions of this section, including—

''(1) to prescribe the due date and manner of reporting and payment of any increase in the tax imposed by this chapter due to the application of this section to any covered excessive 2009 bonus paid before the date of the enactment of this section, and

''(2) to prevent—

''(A) the recharacterization of a bonus payment as a payment which is not a bonus payment in order to avoid the purposes of this section, or

''(B) the avoidance of the purposes of this section through the use of partnerships or other pass-thru entities.''.

(b) CLERICAL AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 280I. Excessive 2009 bonuses paid by major recipients of Federal emergency economic assistance.''.

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (F) of section 162(m)(4) of the Internal Revenue Code of 1986 is amended—

(A) by inserting ''AND EXCESSIVE 2009 BONUSES'' after ''PAYMENTS'' in the heading,

(B) by striking ''the amount'' and inserting ''the total amounts'', and

(C) by inserting ''or 280I'' before the period.

(2) Subparagraph (A) of section 3121(v)(2) of such Code is amended by inserting '', to any covered excessive 2009 bonus (as defined in section 280I(b)),'' after ''section 280G(b))''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments of covered excessive 2009 bonuses after December 31, 2008, in taxable years ending after such date.

SA 4541. Mr. DODD (for himself, Mr. COCHRAN, Ms. MIKULSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, line ____, insert the following:

SEC. ___. EXCLUSION FROM GROSS INCOME OF AMERICORPS EDUCATIONAL AWARDS.

(a) IN GENERAL.—Section 117 of the Internal Revenue Code of 1986 (relating to qualified scholarships) is amended by adding at the end the following:

''(e) AMERICORPS EDUCATIONAL AWARDS.—Gross income shall not include any national service educational award described in subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of enactment of this Act.

SA 4542. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 12 and 13, insert the following:

SEC. 4114. CONFORMING AMENDMENT.

Section 171(b)(5) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) debt or equity instruments of a depository institution holding company organized in the mutual form or as an S corporation that are issued to or purchased by the United States, or any agency or instrumentality thereof, under the Small Business Lending Fund Program during the 1-year period beginning on the date of enactment of the Small Business Jobs Act of 2010.''.

SA 4543. Mr. WEBB (for himself, Ms. LANDRIEU, Mr. NELSON of Florida, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

Subtitle C—Other Relief

SEC. ___. GUIDANCE ON TAX TREATMENT OF LOSSES RELATED TO TAINTED DRYWALL AS CASUALTY LOSS DEDUCTIONS.

Not later than the due date, including extension, for filing a return of tax for taxable year 2009, the Secretary of the Treasury shall issue guidance with respect to the availability of a casualty loss deduction under section 165(c)(3) of the Internal Revenue Code of 1986 for a taxpayer who has sustained a loss due to defective or tainted drywall, including drywall imported from China.

SA 4544. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, between lines 3 and 4, insert the following:

(v) If the eligible institution notifies the Secretary in the application for a capital investment under the Program that the eligible institution elects to have such loans included as small business lending by the eligible institution, construction, land development, and other land loans.

SA 4545. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, after line 24, add the following:

(c) WORKING CAPITAL EXPRESS PROGRAM.—

(1) PROGRAM ESTABLISHED.—

(A) WORKING CAPITAL EXPRESS PROGRAM.—Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

''(G) WORKING CAPITAL EXPRESS PROGRAM IN RESPONSE TO ECONOMIC CRISIS.—

''(i) LOAN GUARANTEES.—The Administrator may guarantee loans under the Express Loan Program made by lenders designated in accordance with clause (iii)(I) to small business concerns that have been in business for not less than 2 years before the date on which the small business concern submits an application for a loan under this subparagraph.

''(ii) LOAN TERMS.—

''(I) MINIMUM AMOUNT.—The Administrator may guarantee a loan under this subparagraph of not less than $100,000.

''(II) GUARANTEE RATE.—Notwithstanding subparagraph (A)(iii), the guarantee rate for a loan under this subparagraph shall be 75 percent.

''(iii) PROGRAM SAFEGUARDS.—

''(I) ELIGIBILITY.—The Administrator shall, by rule, establish criteria for the designation of lenders that are eligible to make a loan guaranteed under this subparagraph.

''(II) UNDERWRITING STANDARDS.—The Administrator shall, by rule, establish underwriting standards for loans guaranteed under this subparagraph, to ensure that the Administrator may guarantee new loans under this subparagraph until 1 year after the date of enactment of this subparagraph. The standards established under this subclause shall require the borrower to submit income tax returns to provide verification of business income.

''(III) PENALTIES FOR FRAUD.—Notwithstanding section 16, a lender that knowingly makes a false statement with respect to the income, assets, or other qualifications of a small business concern in connection with a loan or application for a loan guaranteed under this subparagraph shall be fined not more than $500,000, imprisoned for not more than 5 years, or both.

''(iv) AUTHORITY OF PARTICIPATING LENDERS.—A lender designated in accordance with clause (iii) shall have the same authority with respect to the underwriting and liquidation of a loan guaranteed under this subparagraph as a lender participating in the Certified Lenders Program under paragraph (19).

''(v) TOTAL AMOUNT OF LOANS.—The Administrator may guarantee a total of not more than $3,000,000,000 in loans under this subparagraph.

''(vi) DEFAULT RATE.—The Administrator shall calculate the default rate for loans guaranteed under this subparagraph separately from the default rate for any other loans made or guaranteed by the Administration.''.

(B) CONFORMING AMENDMENT.—Section 7(a)(25)(B) of the Small Business Act (15 U.S.C. 636(a)(25)(B)) is amended by inserting '', and does not include loans under paragraph (31)(G)'' after ''by law''.

(C) IMPLEMENTATION.—Not later than 45 days after the date of enactment of this Act, the Administrator shall begin guaranteeing loans under section 7(a)(31)(G) of the Small Business Act, as added by this subsection.

(2) FUNDING.—

(A) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, $75,000,000, to remain available until 1 year after the date of enactment of this Act, for an additional amount for the appropriations account appropriated under the heading ''BUSINESS LOANS PROGRAM ACCOUNT'' under the heading ''SMALL BUSINESS ADMINISTRATION'' for the cost of loan guarantees under section 7(a)(31)(G) of the Small Business Act, as added by this subsection.

(B) OFFSETS.—There are permanently rescinded from the appropriations account appropriated under the heading ''FEDERAL BUILDINGS FUND'' under the heading ''REAL PROPERTY ACTIVITIES'' under the heading ''GENERAL SERVICES ADMINISTRATION'', $50,000,000 from Rental of Space and $25,000,000 from Building Operations, to be derived from unobligated balances that were provided in previous appropriations Acts.

(3) PROSPECTIVE REPEAL.—

(A) IN GENERAL.—Effective 1 year after the date of enactment of this Act, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(i) in paragraph (25)(B), by striking '', and does not include loans under paragraph (31)(G)''; and

(ii) in paragraph (31), by striking subparagraph (G).

(B) PENALTIES.—Notwithstanding subparagraph (A), subclause (III) of section 7(a)(31)(G)(iii) of the Small Business Act, as added by this subsection, shall continue to apply on and after the date described in subparagraph (A), to loans guaranteed under section 7(a)(31)(G) of the Small Business Act.

(C) SAVINGS PROVISION.—A loan guaranteed under section 7(a)(31)(G) of the Small Business Act, as added by this subsection, before the date described in subparagraph (A) shall

remain in full force and effect under the terms, and for the duration, of the loan.

SA 4546. Mrs. LINCOLN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.

In the case of any taxable year which includes December 31, 2009, or December 31, 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for taxable years 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

SA 4547. Mrs. LINCOLN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Paragraph (1) of section 1201(b) of the Internal Revenue Code of 1986 is amended by striking ''ending'' and all that follows through ''such date''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1201(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) APPLICATION OF SUBSECTION.—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2010.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SA 4548. Mrs. LINCOLN (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REVISION OF BENEFITS.

(a) SAFE HARBOR FOR MEETING REQUIREMENT THAT 35 PERCENT OF EMPLOYEES BE RESIDENTS OF ZONE.—

(1) IN GENERAL.—Section 1397C of the Internal Revenue Code of 1986 (defining enterprise zone business) is amended by adding at the end the following new subsection:

''(g) ADDITIONAL SAFE HARBOR FOR MEETING REQUIREMENT THAT 35 PERCENT OF EMPLOYEES BE RESIDENTS OF ZONE.—The requirements of subsections (b)(6) and (c)(5) shall not fail to be treated as met for any period with respect to a qualified business if—

''(1) as of the date of issuance of an issue, the date property is placed in service, or the date of the sale of an asset, it is reasonably expected that within 3 years after such date the business will increase employment by at least the lesser of—

''(A) in the case of—

''(i) a business located in a renewal community or in a rural area (as defined in section 1393(a)(2)) in an empowerment zone or enterprise community, 500 full-time employees, or

''(ii) a business located outside a rural area (as so defined) in an empowerment zone or enterprise community, 1,000 full-time employees, or

''(B) 10 percent of the number of full-time employees estimated to have been employed in such zone or community on the date of its designation,

''(2) as of the date of issuance of the issue, it is reasonably expected that as a result of the bonds the business will increase employment by at least one job for each $150,000 in face amount of the issue,

''(3) at any time within 3 years after the date of the issuance of an issue, the date property is placed in service, or the date of the sale of an asset, the requirements of such subsections are met, or

''(4) the business enters into a binding agreement with the appropriate local government employment agency to apply a first source rule to advertise and prioritize employment opportunities with such business for qualified residents of such zone or community.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act, except that in the case of obligations which are outstanding on such date, such date shall be deemed the date of issuance for such obligations.

(b) ELIGIBILITY OF BUSINESSES DEVELOPING OR HOLDING INTANGIBLES.—

(1) IN GENERAL.—Paragraph (4) of section 1397C(d) of the Internal Revenue Code of 1986 is amended by inserting before the period ''unless the intangibles are developed within the empowerment zone''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

(c) REDUCED WAGE CREDIT ALLOWABLE FOR ZONE RESIDENTS EMPLOYED OUTSIDE THE ZONE; EMPLOYEES NEED NOT BE RESIDENTS OF ZONE IN WHICH EMPLOYED.—

(1) IN GENERAL.—Subsection (b) of section 1396 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) APPLICABLE PERCENTAGE.—

''(1) QUALIFIED ZONE EMPLOYEES WHO PERFORM SUBSTANTIALLY ALL OF THEIR SERVICES IN AN EMPOWERMENT ZONE.—The applicable percentage is 20 percent with respect to qualified zone employees who would meet the requirement of subsection (d)(1) if only services performed within an empowerment zone were taken into account.

''(2) OTHER QUALIFIED ZONE EMPLOYEES.—

''(A) IN GENERAL.—The applicable percentage is—

''(i) 20 percent in the case of designated qualified zone employees of employers which are enterprise zone businesses, and

''(ii) 10 percent in the case of any other designated qualified zone employee.

''(B) LIMITATIONS ON NUMBER OF DESIGNATED EMPLOYEES.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the term 'designated qualified zone employee' means a qualified zone employee—

''(I) to whom paragraph (1) does not apply, and

''(II) who is designated under this subparagraph.

''(ii) MANNER OF DESIGNATIONS.—Designations under this subparagraph shall be made by the local government or governments which nominated the area to be an empowerment zone.

''(iii) LIMITATION ON DESIGNATIONS.—The number of employees for whom a designation under this subparagraph is in effect at any one time with respect to each empowerment zone shall not exceed—

''(I) 500 for purposes of subparagraph (A)(i), and

''(II) 2,000 for purposes of subparagraph (A)(ii).''.

(2) QUALIFIED ZONE EMPLOYEE.—Paragraph (1) of section 1396(d) of such Code is amended—

(A) by striking ''within an empowerment zone'' in subparagraph (A), and

(B) by striking ''such empowerment zone'' in subparagraph (B) and inserting ''an empowerment zone''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

(d) CARRYFORWARD OF UNALLOCATED STATE COMMERCIAL REVITALIZATION EXPENDITURE CEILING.—

(1) IN GENERAL.—Paragraph (1) of section 1400I(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) IN GENERAL.—The aggregate commercial revitalization expenditure amount which a commercial revitalization agency may allocate for any calendar year is the amount equal to the sum of—

''(A) the amount of the State commercial revitalization expenditure ceiling determined under this paragraph for such calendar year for such agency (determined without regard to subparagraph (B)), and

''(B) the aggregate of the unused State commercial revitalization expenditure ceilings determined under this paragraph for such agency for each of the 2 preceding calendar years.

For purposes of subparagraph (B), amounts of expenditure ceiling shall be treated as allocated by an agency first from unused amounts for the second preceding calendar year, then from unused amounts for the 1st preceding calendar year, and then from amounts from the current year State allocation.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to calendar years beginning after the date of the enactment of this Act.

(e) AUTHORITY TO EXPAND BOUNDARIES OF ZONES AND COMMUNITIES.—

(1) EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.—Section 1391 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) AUTHORITY TO EXPAND BOUNDARIES OF DESIGNATED AREAS.—

''(1) IN GENERAL.—At the request of all governments which nominated an area as an empowerment zone or enterprise community, the appropriate Secretary may expand the area of such zone or community to include 1 or more contiguous or noncontiguous areas if such governments establish to the satisfaction of the appropriate Secretary that such expansion furthers the purposes of the designation of the initial area as such a zone or community.

''(2) RURAL AREAS.—With respect to any empowerment zone or enterprise community located in a rural area, at the request of the nominating local government, the appropriate Secretary shall expand the area of such zone or community to include the entire area of such nominating local government, but only if—

''(A) either—

''(i) the poverty rate and the unemployment rate for such entire area as determined by the 2000 decennial census data was at least 110 percent of such rate for the United States, or

''(ii) during the period beginning with the 1990 decennial census and ending with the 2000 decennial census, such entire area has a net out migration of inhabitants of at least 10 percent of the population of such area, and

''(B) such entire area meets 1 or more of the following criteria determined by the 2000 decennial census data:

''(i) Median household income is not more than 70 percent of such income for the United States.

''(ii) Per capita income is not more than 75 percent of such income for the United States.

''(iii) The percentage of such area's population which is disabled is at least 130 percent of such percentage for the United States.''.

(2) RENEWAL COMMUNITIES.—Section 1400E of such Code is amended by adding at the end the following new subsection:

''(h) AUTHORITY TO EXPAND BOUNDARIES OF DESIGNATED AREAS.—

''(1) IN GENERAL.—At the request of all governments which nominated an area as a renewal community, the Secretary of Housing and Urban Development may expand the area of such community to include 1 or more noncontiguous areas if such governments establish to the satisfaction of such Secretary that such expansion furthers the purposes of the designation of the initial area as a renewal community.

''(2) RURAL AREAS.—With respect to any renewal community located in a rural area, at the request of the nominating local government, the Secretary of Housing and Urban Development shall expand the area of such community to include the entire area of such nominating local government, but only if—

''(A) either—

''(i) the poverty rate and the unemployment rate for such entire area as determined by the 2000 decennial census data was at least 110 percent of such rate for the United States, or

''(ii) during the period beginning with the 1990 decennial census and ending with the 2000 decennial census, such entire area has a net out migration of inhabitants of at least 10 percent of the population of such area, and

''(B) such entire area meets 1 or more of the following criteria determined by the 2000 decennial census data:

''(i) Median household income is not more than 70 percent of such income for the United States.

''(ii) Per capita income is not more than 75 percent of such income for the United States.

''(iii) The percentage of such area's population which is disabled is at least 130 percent of such percentage for the United States.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(f) ELECTION OF FINANCING ARRANGEMENT IN LIEU OF TAX BENEFITS.—

(1) IN GENERAL.—Section 1396 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) ELECTION OF FINANCING ARRANGEMENT IN LIEU OF TAX BENEFITS.—

''(1) IN GENERAL.—At the election of any significant empowerment zone business, for the payment period of the debt obligation designated in such election (or as an amendment to such election) by such business—

''(A) such business—

''(i) shall not be allowed an empowerment zone employment credit described in subsection (a), and

''(ii) shall not be allowed any deduction for depreciation under section 168 with respect to qualified zone property that provides a cost recovery benefit described in paragraph (2), and

''(B) the Secretary shall make the payments described in paragraph (2) to a trustee designated by the electing business to accept such payments on behalf of such holders).

''(2) PAYMENTS.—

''(A) IN GENERAL.—At the beginning of each year of the payment period, the Secretary shall pay (out of any money in the Treasury not otherwise appropriated) to the trustee designated by such business an amount equal to—

''(i) the empowerment zone employment credit computed for such year under this section as if the election was not made under this subsection, and

''(ii) except as provided in paragraph (4)(A), the amount equal to the cost recovery benefit divided by the number of years in the payment period described in subparagraph (C).

''(B) COST RECOVERY BENEFIT.—For purposes of subparagraph (A), the cost recovery benefit shall be an amount equal to 25 percent of—

''(i) the cost of any tangible property which is qualified zone property (including improvements to such tangible property) incurred by the significant empowerment zone business before the end of the first 5 full calendar years beginning after the date the election is made under this subsection, and

''(ii) any such cost for which a binding contract for financing the acquisition of such tangible property (including improvements to such tangible property) has been made by such business and which under the terms of the financing is to be incurred within the first 5 full calendar years beginning after the date of the election made under this subsection.

''(C) PAYMENT PERIOD.—The payment period is the period of 15 calendar years beginning with the earlier of—

''(i) the calendar year specified by the significant empowerment zone business as the 1st year of the payment period without regard to the date the property is placed in service, or

''(ii) the 5th calendar year beginning after the date that the election under this subsection is made.

''(3) SIGNIFICANT EMPOWERMENT ZONE BUSINESS.—For purposes of this subsection, the term 'significant empowerment zone business' means any trade or business operating in an empowerment zone if—

''(A) such business is nominated by the chief executive or the legislative body of the State or a local government in which the zone property is located, and

''(B) the Secretary of Housing and Urban Development determines that—

''(i) it is a facility for qualified research as defined in section 41(d) which is reasonably anticipated to make at least $50,000,000 of capital expenditures within the first 3 years of the payment period, or

''(ii) with respect to any other business, it is reasonably anticipated that such business will increase employment in such zone by the end of the first 3 years of the payment period by at least the lesser of—

''(I) 1,000 full-time employees or equivalents, or

''(II) 10 percent of the number of full-time employees estimated to have been employed in such zone on the date of its designation.

''(4) SPECIAL RULES.—

''(A) ADJUSTMENT TO COST RECOVERY BENEFIT.—In the event that the significant empowerment zone business does not incur a cost within the period described in paragraph (2)(B) and for which a cost recovery benefit payment is made under this subsection, the Secretary shall reduce future recovery benefit payments to recover 110 percent of the overpayments in equal installments over the remaining payment period. In the event that a cost described in paragraph (2)(B)(i) is incurred, or a contract described in paragraph (2)(B)(ii) is entered into, after the beginning of the payment period, the Secretary shall increase future recover benefit payments to recover 100 percent of the cost recovery benefit associated with such costs or contracts in equal installments over the remaining payment period.

''(B) BASIS ADJUSTMENT.—For purposes of this subtitle, if a cost recovery payment is made under this subsection with respect to any property, the basis of such property shall be reduced by the amount of such payment.

''(5) TREATMENT OF PAYMENTS.—Any payment made under this subsection shall not be treated as a Federal Government guarantee for purposes of section 149(b).''.

(2) CONFORMING AMENDMENT.—Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 1396(e)(4)(B).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SA 4549. Mrs. LINCOLN (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title II, add the following:

SEC. _____. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(2) Subparagraph (B) of section 6427(e)(6) of such Code is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. _____. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) of the Internal Revenue Code of 1986 is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

''(C) December 31, 2009, in any other case.''.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) of the Internal Revenue Code of 1986 is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

''(C) December 31, 2009, in any other case.''.

(c) PAYMENT AUTHORITY.—

(1) IN GENERAL.—Paragraph (6) of section 6427(e) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2010.''.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6427(e)(6) is amended by inserting ''or (E)'' after ''subparagraph (D)''.

(d) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2)of the Internal Revenue Code of 1986 is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SA 4550. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KAUFMAN, Mr. LEAHY, Mr. LEMIEUX, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. PRYOR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 284, between lines 9 and 10, insert the following:

TITLE V—REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS

SEC. 5001. FINDINGS.

Congress makes the following findings:

(1) Each year, many people in the United States are injured by defective products manufactured or produced by foreign entities and imported into the United States.

(2) Both consumers and businesses in the United States have been harmed by injuries to people in the United States caused by defective products manufactured or produced by foreign entities.

(3) People in the United States injured by defective products manufactured or produced by foreign entities often have difficulty recovering damages from the foreign manufacturers and producers responsible for such injuries.

(4) The difficulty described in paragraph (3) is caused by the obstacles in bringing a foreign manufacturer or producer into a United States court and subsequently enforcing a judgment against that manufacturer or producer.

(5) Obstacles to holding a responsible foreign manufacturer or producer liable for an injury to a person in the United States undermine the purpose of the tort laws of the United States.

(6) The difficulty of applying the tort laws of the United States to foreign manufacturers and producers puts United States manufacturers and producers at a competitive disadvantage because United States manufacturers and producers must—

(A) abide by common law and statutory safety standards; and

(B) invest substantial resources to ensure that they do so.

(7) Foreign manufacturers and producers can avoid the expenses necessary to make their products safe if they know that they will not be held liable for violations of United States product safety laws.

(8) Businesses in the United States undertake numerous commercial relationships with foreign manufacturers, exposing the businesses to additional tort liability when foreign manufacturers or producers evade United States courts.

(9) Businesses in the United States engaged in commercial relationships with foreign manufacturers or producers often cannot vindicate their contractual rights if such manufacturers or producers seek to avoid responsibility in United States courts.

(10) One of the major obstacles facing businesses and individuals in the United States who are injured and who seek compensation for economic or personal injuries caused by foreign manufacturers and producers is the challenge of serving process on such manufacturers and producers.

(11) An individual or business injured in the United States by a foreign company must rely on a foreign government to serve process when that company is located in a country that is a signatory to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague November 15, 1965 (20 UST 361; TIAS 6638).

(12) An injured person in the United States must rely on the cumbersome system of letters rogatory to effect service in a country that did not sign the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. These countries do not have an enforceable obligation to serve process as requested.

(13) The procedures described in paragraphs (11) and (12) add time and expense to litigation in the United States, thereby discouraging or frustrating meritorious lawsuits brought by persons injured in the United States against foreign manufacturers and producers.

(14) Foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them.

(15) The due process clauses of the fifth amendment to and section 1 of the fourteenth amendment to the Constitution govern United States courts' personal jurisdiction over defendants.

(16) The due process clauses described in paragraph (15) are satisfied when a defendant consents to the jurisdiction of a court.

(17) United States markets present many opportunities for foreign manufacturers.

(18) In choosing to export products to the United States, a foreign manufacturer or producer subjects itself to the laws of the United States. Such a foreign manufacturer or producer thereby acknowledges that it is subject to the personal jurisdiction of the State and Federal courts in at least one State.

SEC. 5002. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign manufacturers and producers whose products are sold in the United States should not be able to avoid liability simply because of difficulties relating to serving process upon them;

(2) to avoid such lack of accountability, foreign manufacturers and producers of foreign products distributed in the United States should be required, by regulation, to register an agent in the United States who is authorized to accept service of process for such manufacturer or producer;

(3) it is unfair to United States consumers and businesses that foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them;

(4) those who benefit from exporting products to United States markets should expect to be subject to the jurisdiction of at least one court within the United States;

(5) exporting products to the United States should be understood as consent to the accountability that the legal system of the United States ensures for all manufacturers and producers, foreign, and domestic;

(6) exporters recognize the scope of opportunities presented to them by United States markets but also should recognize that products imported into the United States must satisfy Federal and State safety standards established by statute, regulation, and common law;

(7) foreign manufacturers should recognize that they are responsible for the contracts they enter into with United States companies;

(8) foreign manufacturers should act responsibly and recognize that they operate within the constraints of the United States legal system when they export products to the United States;

(9) United States laws and the laws of United States trading partners should not put burdens on foreign manufacturers and

producers that do not apply to domestic companies;

(10) it is fair to ensure that foreign manufacturers, whose products are distributed in commerce in the United States, are subject to the jurisdiction of State and Federal courts in at least one State because all United States manufacturers are subject to the jurisdiction of the State and Federal courts in at least one State; and

(11) it should be understood that, by registering an agent for service of process in the United States, the foreign manufacturer or producer acknowledges consent to the jurisdiction of the State in which the registered agent is located.

SEC. 5003. DEFINITIONS.

In this title:

(1) APPLICABLE AGENCY.—The term ''applicable agency'' means, with respect to covered products—

(A) described in subparagraphs (A) and (B) of paragraph (4), the Food and Drug Administration;

(B) described in paragraph (4)(C), the Consumer Product Safety Commission;

(C) described in subparagraphs (D) and (E) of paragraph (4), the Environmental Protection Agency; and

(D) described in subparagraph (F) of paragraph (4)—

(i) the Food and Drug Administration, if the item is intended to be a component part of a product described in subparagraphs (A) and (B) of paragraph (4);

(ii) the Consumer Product Safety Commission, if the item is intended to be a component part of a product described in paragraph (4)(C); and

(iii) the Environmental Protection Agency, if the item is intended to be a component part of a product described in subparagraphs (D) and (E) of paragraph (4).

(2) COMMERCE.—The term ''commerce'' means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside of the State; or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(3) COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION.—The term ''Commissioner of U.S. Customs and Border Protection'' means the Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security.

(4) COVERED PRODUCT.—The term ''covered product'' means any of the following:

(A) Drugs, devices, and cosmetics, as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) A biological product, as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(C) A consumer product, as such term is used in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052).

(D) A chemical substance or new chemical substance, as such terms are defined in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602).

(E) A pesticide, as such term is defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(F) An item intended to be a component part of a product described in subparagraph (A), (B), (C), (D), or (E) but is not yet a component part of such product.

(5) DISTRIBUTE IN COMMERCE.—The term ''distribute in commerce'' means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

SEC. 5004. REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

(a) REGISTRATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and except as otherwise provided in this subsection, the head of each applicable agency shall require foreign manufacturers and producers of covered products distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such manufacturer or producer—

(A) for the purpose of any civil or regulatory proceeding in State or Federal court relating—

(i) to a covered product; and

(ii) to—

(I) commerce in the United States;

(II) an injury or damage suffered in the United States; or

(III) conduct within the United States; and

(B) if such service is made in accord with the State or Federal rules for service of process in the State of the civil or regulatory proceeding.

(2) LOCATION.—The head of each applicable agency shall require that an agent of a foreign manufacturer or producer registered under this subsection with respect to a covered product be located in a State with a substantial connection to the importation, distribution, or sale of the covered product.

(3) MINIMUM SIZE.—This subsection shall only apply to foreign manufacturers and producers that manufacture or produce covered products in excess of a minimum value or quantity the head of the applicable agency shall prescribe by rule for purposes of this section. Such rules may include different minimum values or quantities for different subcategories of covered products prescribed by the head of the applicable agency for purposes of this section.

(b) REGISTRY OF AGENTS OF FOREIGN MANUFACTURERS.—

(1) IN GENERAL.—The Secretary of Commerce shall, in cooperation with each head of an applicable agency, establish and keep up to date a registry of agents registered under subsection (a).

(2) AVAILABILITY.—The Secretary of Commerce shall make the registry established under paragraph (1) available—

(A) to the public through the Internet website of the Department of Commerce; and

(B) to the Commissioner of U.S. Customs and Border Protection.

(c) CONSENT TO JURISDICTION.—A foreign manufacturer or producer of covered products that registers an agent under this section thereby consents to the personal jurisdiction of the State or Federal courts of the State in which the registered agent is located for the purpose of any civil or regulatory proceeding relating—

(1) to a covered product; and

(2) to—

(A) commerce in the United States;

(B) an injury or damage suffered in the United States; or

(C) conduct within the United States.

(d) DECLARATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, any person importing a covered product manufactured outside the United States shall provide a declaration to U.S. Customs and Border Protection that—

(A) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter of the covered product and consulting the registry of agents of foreign manufacturers described in subsection (b); and

(B) to the best of the person's knowledge, with respect to each importation of a covered product, the foreign manufacturer or producer of the product has established a registered agent in the United States as required under subsection (a).

(2) PENALTIES.—Any person who fails to provide a declaration required under paragraph (1), or files a false declaration, shall be subject to any applicable civil or criminal penalty, including seizure and forfeiture, that may be imposed under the customs laws of the United States or title 18, United States Code, with respect to the importation of a covered product.

(e) REGULATIONS.—Not later than the date described in subsection (a)(1), the Secretary of Commerce, the Commissioner of U.S. Customs and Border Protection, and each head of an applicable agency shall prescribe regulations to carry out this section, including the establishment of minimum values and quantities under subsection (a)(3).

SEC. 5005. STUDY ON REGISTRATION OF AGENTS OF FOREIGN FOOD PRODUCERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture and the Commissioner of Food and Drugs shall jointly—

(1) complete a study on the feasibility and advisability of requiring foreign producers of food distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the Secretary with respect to such study.

SEC. 5006. STUDY ON REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AND PRODUCERS OF COMPONENT PARTS WITHIN COVERED PRODUCTS.

Not later than 1 year after the date of the enactment of this Act, the head of each applicable agency shall—

(1) complete a study on determining feasible and advisable methods of requiring manufacturers or producers of component parts within covered products manufactured or produced outside the United States and distributed in commerce to establish registered agents in the United States who are authorized to accept service of process on behalf of such manufacturers or producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the head of the applicable agency with respect to the study.

SEC. 5007. RELATIONSHIP WITH OTHER LAWS.

Nothing in this title shall affect the authority of any State to establish or continue in effect a provision of State law relating to service of process or personal jurisdiction, except to the extent that such provision of law is inconsistent with the provisions of this title, and then only to the extent of such inconsistency.

SA 4551. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF UNEARNED INCOME MEDICARE CONTRIBUTION.

Section 1402 of the Health Care and Education Reconciliation Act of 2010 and the amendments made by such section are repealed.

SA 4552. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY.

(a) UNITED STATES CUSTOMS AND BORDER PROTECTION.—

(1) REQUIREMENT FOR ADDITIONAL AGENTS.—Not later than January 1, 2015, the Secretary of Homeland Security shall increase the number of trained Customs and Border Patrol agents stationed along the international border between the United States and Mexico border by 6,000, compared to the number of agents at such locations as of the date of the enactment of this Act to increase security and expedite cross border trade. The Secretary shall make progress in increasing such number of trained Customs and Border Patrol agents during each of the years 2010 through 2015.

(2) OFFSETTING RESCISSION.—On the date of the enactment of this Act, the unobligated balance of each amount appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), other than under title X of such division, is hereby rescinded pro rata such that the aggregate amount of such rescissions equals $1,200,000,000.

(b) OPERATION STREAMLINE.—

(1) APPROPRIATION OF FUNDS.—To fully fund multi-agency law enforcement initiatives that address illegal crossings of the Southwest border, including those in the Tucson Sector, as authorized under title II of division B and title III of division C of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3034), $200,000,000 for fiscal year 2011, of which—

(A) $155,000,000 shall be available for the Department of Justice for—

(i) hiring additional Deputy United States Marshals;

(ii) constructing additional permanent and temporary detention space; and

(iii) other established and related needs of the Secretary of Homeland Security and the Attorney General; and

(B) $45,000,000 shall be available for the Judiciary for—

(i) courthouse renovation;

(ii) administrative support, including hiring additional clerks for each District to process additional criminal cases; and

(iii) hiring additional judges.

(2) OFFSETTING RESCISSION.—On the date of the enactment of this Act, the unobligated balance of each amount appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), other than under title X of such division, is hereby rescinded pro rata such that the aggregate amount of such rescissions equals $200,000,000.

SA 4553. Mrs. LINCOLN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part IV of subtitle A of title II, insert the following:

SEC. _____. INCREASE IN LIMITATION FOR ALTERNATIVE TAX LIABILITY FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) IN GENERAL.—Clause (i) of section 831(b)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) the net written premiums (or, if greater, direct written premiums) for the taxable year do not exceed $2,025,000, and''.

(b) INFLATION ADJUSTMENT.—Paragraph (2) of section 831(b) of such Code is amended by adding at the end the following new subparagraph:

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2010, the dollar amount set forth in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 4554. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 4___. ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.

In chapter 2 of title I of the Act entitled ''An Act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes'', strike the matter under the heading ''ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS'' under the heading ''ECONOMIC DEVELOPMENT ADMINISTRATION'' under the heading ''DEPARTMENT OF COMMERCE'' and insert the following:

''Pursuant to section 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3233), for an additional amount for ''Economic Development Assistance Programs'', for necessary expenses relating to disaster relief, long-term recovery, and restoration of infrastructure in areas affected by flooding for which the President declared a major disaster during the period beginning on March 29, 2010, and ending on May 7, 2010, which included individual assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), $49,000,000, to remain available until expended: *Provided*, That not more than 50 percent of the amount provided under this heading shall be allocated to any State.''.

SA 4555. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, after line 25, insert the following:

SEC. 1705. COMMUNITY DEVELOPMENT FUNDS.

Chapter 11 of title I of the Supplemental Appropriations Act, 2010, is amended by striking the heading ''Community Development Fund'' and all the matter that follows through the ninth proviso under such heading and inserting the following:

''COMMUNITY DEVELOPMENT FUND

''For an additional amount for the 'Community Development Fund', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by flooding for which the President declared a major disaster between March 29, 2010, and May 7, 2010, which included Individual Assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the

obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act: *Provided further*, That not more than 50 percent of the funding provided under this heading shall be allocated to any State (including units of general local government).''.

SA 4556. Mr. ROCKEFELLER (for himself and Mr. GOODWIN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 284, between lines 9 and 10, insert the following:

PART IV—COAL ACCOUNTABILITY AND RETIRED EMPLOYEES

SEC. 4271. AMENDMENT OF SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.

Section 402(i)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(2)) is amended—

(1) by striking ''Subject to'' and inserting the following:

''(A) IN GENERAL.—Subject to''; and

(2) by adding at the end the following:

''(B) EXCESS AMOUNTS.—

''(i) IN GENERAL.—Subject to paragraph (3), and after all transfers referred to in paragraph (1) and subparagraph (A) of this paragraph have been made, any amounts remaining after the application of paragraph (3)(A) (without regard to this subparagraph) shall be transferred to the trustees of the 1974 UMWA Pension Plan and used solely to pay pension benefits required under such plan.

''(ii) 1974 UMWA PENSION PLAN.—In this subparagraph, the term '1974 UMWA Pension Plan' means a pension plan referred to in section 9701(a)(3) of the Internal Revenue Code of 1986 but without regard to whether participation in such plan is limited to individuals who retired in 1976 and thereafter.''.

SA 4557. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, between lines 3 and 4, insert the following:

(v) If the eligible institution notifies the Secretary in the application for a capital investment under the Program that the eligible institution elects to have such loans included as small business lending by the eligible institution, construction, land development, and other land loans.

SA 4558. Mrs. HUTCHISON (for herself, Mr. GRAHAM, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B, add the following:

PART _____—TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

SEC. 4_____. TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM.

(a) FUNDING.—The matter under the heading ''TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM'' of title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 619) is amended, in the matter preceding the first proviso—

(1) by striking ''$47,000,000,000'' and inserting ''$56,000,000,000''; and

(2) by striking ''$18,500,000,000'' and inserting ''$27,500,000,000''.

(b) USE OF STIMULUS FUNDS TO OFFSET SPENDING.—

(1) IN GENERAL.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) (other than under title X of division A of that Act) is rescinded, on a pro rata basis, by an aggregate amount that equals the amounts necessary to offset any net increase in spending or foregone revenues resulting from this section and the amendments made by this section.

(2) REPORT.—The Director of the Office of Management and Budget shall submit to each congressional committee the amounts rescinded under paragraph (1) that are within the jurisdiction of the committee.

SA 4559. Mr. HATCH (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

PART V—OTHER PROVISIONS

SEC. _____. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) of such Code is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SA 4560. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.__. There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for ''Salaries and Expenses'' of the United States Patent and Trademark Office, $129,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2010, should the total amount of offsetting fee collections be less than $2,016,000,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $2,016,000,000 in fiscal year 2010, in an amount up to $150,000,000, shall remain available until expended: *Provided further*, That $129,000,000 in prior year unobligated balances available to ''Periodic Censuses and Programs'' of the Bureau of the Census, Department of Commerce, are hereby rescinded.

SA 4561. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____

BORDER SECURITY

CHAPTER 1

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $253,900,000, to remain available until September 30, 2011, of which $39,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, $29,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, $175,900,000 shall be for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, and $10,000,000 shall be to support integrity and background investigation programs.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for ''Border Security Fencing, Infrastructure, and Technology,'' $14,000,000, to remain available until September 30, 2011, for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', $32,000,000, to remain available until September 30, 2012, for costs of acquisition and deployment of unmanned aircraft systems.

CONSTRUCTION AND FACILITIES MANAGEMENT

For an additional amount for ''Construction and Facilities Management'', $6,000,000, to remain available until September 30, 2011, for costs to construct up to two forward operating bases for use by the Border Patrol to carry out enforcement activities on the Southwest Border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for 'Salaries and Expenses', $80,000,000, to remain available until September 30, 2011, of which $30,000,000 shall be for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States and $50,000,000 shall be for hiring of additional agents, investigators, intelligence analysts, and support personnel.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $8,100,000, to remain available until September 30, 2011, for costs to provide basic training for new U.S. Customs and Border Protection Officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

(RESCISSION)

SEC. ____101. From unobligated balances of prior year appropriations made available to ''U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'', $100,000,000 are rescinded: *Provided*, That section ____01 of chapter 4 of this title shall not apply to the amount in this section.

CHAPTER 2

SEC. ____201. For an additional amount for the Department of Justice for necessary expenses for increased law enforcement activities related to Southwest border enforcement, $196,000,000, to remain available until September 30, 2011: *Provided*, That funds shall be distributed to the following accounts and in the following specified amounts:

(1) ''Administrative Review and Appeals'', $2,118,000;

(2) ''Detention Trustee'', $7,000,000;

(3) ''Legal Activities, Salaries and Expenses, General Legal Activities'', $3,862,000;

(4) ''Legal Activities, Salaries and Expenses, United States Attorneys'', $9,198,000;

(5) ''United States Marshals Service, Salaries and Expenses'', $29,651,000;

(6) ''United States Marshals Service, Construction'', $8,000,000;

(7) ''Interagency Law Enforcement, Interagency Crime and Drug Enforcement'', $21,000,000;

(8) ''Federal Bureau of Investigation, Salaries and Expenses'', $24,000,000;

(9) ''Drug Enforcement Administration, Salaries and Expenses'', $33,671,000;

(10) ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'', $37,500,000; and

(11) ''Federal Prison System, Salaries and Expenses'', $20,000,000.

CHAPTER 3

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses'', $10,000,000, to remain available until September 30, 2011: *Provided*, That notwithstanding section 302 of division C of Public Law 111–117, funding shall be available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives.

CHAPTER 4

GENERAL PROVISION

SEC. ____01. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NOTICE OF HEARING

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 scheduled before the Senate Subcommittee on Energy has been postponed. The hearing was to be held on Tuesday, August 3, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521 the ''Rare Earths Supply Technology and Resources Transformation Act of 2010''.

For further information, please contact Allyson Anderson or Rosemarie Calabro.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on July 28, 2010, at 2:30 p.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 28, 2010, at 2:30 p.m. in room 406 of the Dirksen Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 28, 2010, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. UDALL of Colorado. 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 on July 28, 2010.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. UDALL of Colorado. 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 July 28, 2010, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 28, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office building, to conduct a hearing entitled ''Oversight of the Federal Bureau of Investigation.''

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

COMMITTEE ON THE JUDICIARY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 28, 2010, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on July 28, 2010, at 10:30 a.m., to conduct a hearing entitled ''Examining the Filibuster: Legislative Proposals to Change Senate Procedures.''

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

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION AND THE AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration and the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 28, 2010, at 3 p.m. to conduct a hearing entitled, ''Flood Preparedness and Mitigation: Map Modernization, Levee Inspection, and Levee Repairs.''

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

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that a fellow from my office, Ms. Anna-Marie Laura, be granted floor privileges for the remainder of this Congress.

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

CELL PHONE CONTRABAND ACT OF 2010

Mr. WHITEHOUSE. Mr. President, I ask the chair to lay before the Senate a message from the House with respect to S. 1749.

The PRESIDING OFFICER laid before the Senate the following message:

Resolved, That the bill from the Senate (S. 1749) entitled ''An Act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cell Phone Contraband Act of 2010''.

SEC. 2. WIRELESS DEVICES IN PRISON.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''or (d)(1)(E)'' and inserting '', (d)(1)(E), or (d)(1)(F)''; and

(B) in paragraph (5), by striking ''(d)(1)(F)'' and inserting ''(d)(1)(G)''; and

(2) in subsection (d)(1)—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

''(F) a phone or other device used by a user of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) in connection with such service; and''.

SEC. 3. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress with research and findings on the following issues:

(1) A study of telephone rates within Federal prisons to include information on interstate, intrastate and collect calls made by prisoners, including—

(A) the costs of operating inmate telephone services;

(B) the general cost to prison telephone service providers of providing telephone services to the Federal prisons;

(C) the revenue obtained from inmate telephone systems;

(D) how the revenue from these systems is used by the Bureau of Prisons; and

(E) options for lowering telephone costs to inmates and their families, while still maintaining sufficient security.

(2) A study of selected State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons, including efforts that selected State and Federal authorities are making to minimize trafficking of cell phones by guards and other prison officials and recommendations to reduce the number of cell phones that are trafficked into prisons.

(3) A study of cell phone use by inmates in selected State and Federal prisons, including—

(A) the quantity of cell phones confiscated by authorities in selected State and Federal prisons; and

(B) the reported impact, if any, of: (1) inmate cell phone use on the overall security of prisons; and (2) connections to criminal activity from within prisons.

SEC. 4. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

Mr. WHITEHOUSE. I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

NATIONAL CHILD AWARENESS MONTH

Mr. WHITEHOUSE. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 598, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 598) designating September 2010 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by these charities and organizations on behalf of children and youth as critical contributions to the future of the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 598) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 598

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the Nation;

Whereas September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2010 as ''National Child Awareness Month'' would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2010 as ''National Child Awareness Month''—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by such charities and organizations on behalf of children and youth as critical contributions to the future of the Nation.

NATIONAL AIRBORNE DAY

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 599, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 599) designating August 16, 2010, as ''National Airborne Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 599) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 599

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of bold and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United

States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas the United States experiment with airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War and was launched when 48 volunteers began training in July 1940;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, to test the innovative concept of inserting United States ground combat forces behind a battle line by means of parachute;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those first airborne units are the former 11th, 13th, and 17th Airborne Divisions, the current 82nd and 101st Airborne Divisions, and the later airborne regiments and battalions (some as components of those divisions and some as separate units) that achieved distinction as the 75th Ranger Regiment, the 173rd Airborne Brigade Combat Team, the 187th Infantry (Airborne) Regiment, which is the only airborne unit to have served as a Glider, Parachute, and Air Assault Regiment, the 501st, 502nd, 503rd, 504th, 505th, 506th, 507th, 508th, 509th, 511th, 513th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th, 127th, 193rd, 194th, 325th, 326th, 327th, and 401st Glider Infantry Regiments, the 509th, 550th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas since the terrorist attacks on September 11, 2001, United States paratroopers, which include members of the XVIII Airborne Corps, the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade Combat Team, the 4th Brigade (Airborne) of the 25th Infantry Division, the 75th Ranger Regiment, and special forces units, together with other units of the Armed Forces, have demonstrated bravery and honor in combat operations, civil affairs missions, and training operations in Afghanistan and Iraq;

Whereas the modern day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, Air Force combat control teams, pararescue, and weather teams, all of which are part of the United States Special Operations Command;

Whereas of the members and former members of the United States airborne forces, thousands have achieved the distinction of making combat jumps, dozens have earned the Medal of Honor, and hundreds have earned the Distinguished Service Cross, the Silver Star Medal, or other decorations and awards for displays heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable tradition that, together with their special skills and achievements, distinguishes them as intrepid combat parachutists, air assault forces, special operation forces, and, in former days, glider troops;

Whereas the history and achievements of the members and former members of the United States airborne forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2010, as ''National Airborne Day''; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

SELECT COMMITTEE ON INTELLIGENCE AUTHORIZATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 600, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 600) to authorize document production and testimony by, and representation of, the Select Committee on Intelligence.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, the Select Committee on Intelligence has received a request from the Department of Justice for records, created by the committee in the course of its oversight work, pertinent to a pending investigation into the unauthorized disclosure of classified national security information by someone not connected with the committee.

This resolution would authorize the chairman and vice chairman of the Select Committee on Intelligence, acting jointly, to provide records, created by the committee in the course of oversight, in response to this request from the Department of Justice.

Because the Department of Justice may seek testimony at some point from staff of the committee, the resolution would also authorize former and current employees of the committee to testify in proceedings arising out of this matter, except where a privilege should be asserted, and to he represented by the Senate legal counsel.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 600) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas, the United States Department of Justice has requested that the Senate Select Committee on Intelligence provide it with documents in connection with a pending investigation into the unauthorized disclosure of classified national security information;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former or current employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the United States Department of Justice, under appropriate security procedures, copies of Committee documents sought in connection with a pending investigation into the unauthorized disclosure of classified national security information, and former and current employees of the Committee are authorized to testify in proceedings arising out of that investigation, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent the Select Committee on Intelligence, and any former or current employee of the Committee from whom testimony may be required, in connection with the testimony and document production authorized in section one of this resolution.

MEASURE READ THE FIRST TIME—S. 3663

Mr. WHITEHOUSE. Mr. President, I understand that S. 3663, introduced earlier today by Senator REID, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 3663) to promote clean energy jobs and oil company accountability, and for other purposes.

Mr. WHITEHOUSE. Mr. President, I now ask for its second reading and 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 THURSDAY, JULY 29, 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, July 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two

leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.R. 5297, the small business jobs bill, with 1 hour for debate prior to the cloture vote, with the time equally divided and controlled between the two leaders or their designees and with Senators permitted to speak therein for up to 10 minutes each, with the final 10 minutes reserved for the two leaders or their designees, with the majority leader controlling the final 5 minutes. Finally, I ask consent that the filing deadline for second-degree amendments be 10 o'clock a.m. tomorrow.

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

PROGRAM

Mr. WHITEHOUSE. Mr. President, I am advised to inform my colleagues that at approximately 10:40 a.m. tomorrow, there will be a cloture vote on the Baucus-Landrieu substitute amendment No. 4519 to the small business jobs bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. 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 7:02 p.m., adjourned until Thursday, July 29, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

MARIA ELIZABETH RAFFINAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ODESSA F. VINCENT, RETIRED.

MARINA GARCIA MARMOLEJO, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE SAMUEL B. KENT, RESIGNED.

DEPARTMENT OF JUSTICE

M. SCOTT BOWEN, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE MARGARET M. CHIARA, RESIGNED.

RIPLEY RAND, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE ANNA MILLS S. WAGONER, TERM EXPIRED.

BEVERLY JOYCE HARVARD, OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE RICHARD VAUGHN MECUM, TERM EXPIRED.

DAVID MARK SINGER, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ADAM NOEL TORRES, TERM EXPIRED.

EXTENSIONS OF REMARKS

SUPPLEMENTAL APPROPRIATIONS ACT, 2010

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in opposition to H.R. 4899, the "Supplemental Appropriations Act of 2010." I oppose the Senate amendments because they will deny job programs to Americans, while continuing to fund a war that has gone for far too long.

I want to thank Chairman OBEY for his timely leadership on this legislation. Clearly, opposing a bill that you are charged with bringing to the floor is not easy. However, this is an important moment to decide the direction that our military involvement and national economy are headed. Without some of the programs cut by the Senate, and with the knowledge revealed by the leaked documents, the sum of this bill is no longer palatable.

As originally conceived, H.R. 4899 would have provided funding for the needs of the American people, from national security, housing, employment, health, to education. I fully support these efforts and want to stress that we must continue to provide policies and funding that ensure that the United States remains a global leader in science and technology, including space exploration, which not only results in knowledge-building, but also in hundreds of thousands of jobs throughout the Nation.

The legislation would provide resources to support over 350,000 jobs for youth ages 16 to 21 through summer employment programs. This age group has some of the highest unemployment levels, 25 percent for those aged 16 to 24. This funding will allow local Workforce Investment Boards to expand successful summer jobs programs that were funded in the Recovery Act.

The legislation would also fully fund the settlement of both the Cobell and Pigford class action lawsuits. The Cobell settlement concerns the government's management and accounting for over 300,000 American Indians, trust accounts, and the Pigford settlement ends a decades-old discrimination lawsuit brought by black farmers against USDA.

Before it was amended, this supplemental appropriation would have provided over $24 billion to keep teachers, firefighters and law enforcement personnel on the job while states continue to recover from the recession; over $13 billion for Vietnam veterans and survivors exposed to Agent Orange; $5.7 billion for PELL; $2.8 billion for Haiti; $677 million for border security; $275 million for the Gulf Coast oil spill including unemployment benefits program and unemployment assistance related to the oil spill and an oil spill relief employment program that are underway for the self-employed businessmen and women who were greatly impacted by the Gulf Coast oil spill.

This bill would also provide $10 billion for an Education Jobs Fund to provide additional emergency support to local school districts to prevent impending layoffs. It is estimated that this fund will help keep 140,000 school employees on the job next year.

Yet, despite these programs, the main purpose of this bill is to extend funding for our military—funds to pay for the war in Afghanistan. It is this that I object to. Although the situation in Afghanistan is far from perfect, the return on our investment has diminished to a point where it no longer makes sense to maintain a large-scale deployment. Additionally, as the human and financial costs continue to rise, the war in Afghanistan is becoming increasingly unpalatable to the citizens of the United States. More than 1,000 U.S. soldiers have been killed in Afghanistan since October 2001, and half of all deaths have occurred since the beginning of 2009. Roadside bombings are on the rise, causing double the number of fatalities in 2009 that they did in 2008. And 2010 is on track to be even worse by that measure. Today we learned that one of two American servicemen who disappeared last week in a dangerous area south of the Afghan capital has been confirmed dead. The war in Afghanistan should end as safely and quickly as possible, and our troops should be brought home with honor and a national day of celebration. I strongly believe that this can and must be done by the end of the year.

This stance is borne from my deeply held belief that we must commend our military for their exemplary performance and success in Afghanistan. As lawmakers continue to debate U.S. policy in Afghanistan, our heroic young men and women continue to willingly sacrifice life and limb on the battlefield. Our troops in Afghanistan did everything we asked them to do. We sent them overseas to destroy the roots of terror and protect our homeland; they are now caught in the midst of an insurgent civil war and continuing political upheaval.

With the change in military leadership to General Petraeus, one year before the target drawdown date of July 2011, America faces a critical juncture in our involvement in Afghanistan and Pakistan. Recently, I returned from a 5-day trip to Afghanistan where I met with our outstanding men and women serving in the region. Although I found our troops and civilians to be of the highest caliber, I left Afghanistan with the impression the reasons for keeping them in a dangerous theatre have diminished. Today, we are at risk of forgetting the impetus for going to war. This is a dangerous mistake. Extending our involvement beyond the initial mandate is an unnecessary risk that makes the United States vulnerable.

Throughout the discussion of the Administration's proposed surge, I expressed my concern for the cost of sending additional troops, as well as the effect that a larger presence in Afghanistan will have on troop morale. The White House estimates that it will cost $1 million per year for each additional soldier deployed, and I believe that $30 billion would be better spent on developing new jobs and fixing our broken healthcare system. Many leaders in our armed forces, including Secretary Gates, have said that it is optimal for troops to have two years between overseas deployments; yet, today, our troops have only a year at home between deployments. Expanding the number of U.S. forces in Afghanistan by 30,000 will negatively impact troop morale and will bring us further away from the conditions necessary to maintain a strong, all-volunteer military.

I very strongly believe that our Nation has a moral obligation to ensure that our veterans are treated with the respect and dignity that they deserve. One reason that we are the greatest Nation in the world is because of the brave young men and women fighting for us in Iraq and Afghanistan. They deserve honor, they deserve dignity, and they deserve to know that a grateful Nation cares about them. Whether or not my colleagues agree that the time has come to withdraw our American forces from Afghanistan, I believe that all of us in Congress should be of one accord that our troops deserve our sincere thanks and congratulations.

It is because I respect our troops that I am voting to bring them home from a war that has strayed far beyond its original mandate. The United States will not and should not permanently prop up the Afghan government and military. To date, almost $27 billion—more than half of all reconstruction dollars—has been apportioned to build the Afghan National Security Forces.

U.S. military involvement in Afghanistan will come to an end and, when U.S. forces leave, the responsibility for securing their nation will fall to the people and government of Afghanistan. Governance is more than winning elections, it is about upholding human rights, especially the rights of women; it requires fighting corruption. Governance requires fighting corruption. Governance requires providing for the freedom to worship. Governance requires establishing schools that provide education from early childhood through higher education.

Yet, Afghanistan has largely failed to institute the internal reforms necessary to justify America's continued involvement. The recent elections did not reflect the will of the people, and the government has consistently failed to gain the trust of the people of Afghanistan. The troubling reports about the elections that were held on August 20, 2009 were the first in a series of very worrisome developments. The electoral process is at the heart of democracy and the disdain for that process that was displayed in the Afghanistan elections gives me great pause. The Special Inspector General for Afghanistan Reconstruction recently released his quarterly report which detailed our Nation's efforts to work with contractors and the Afghanistan government to prevent fraud and enhance transparency. This is the 8th report by the Special Inspector General but, as a recent series in the Washington Post showed, we are unable to stem the flow of corruption and waste within Afghanistan,

despite our efforts at reforming our own contracting procedures. This money likely comes from the opium trade and U.S. assistance and, the Washington Post estimates, totals over one billion dollars each year.

The task of establishing legitimate governing practices remains formidable. A November 17, 2009 report from Transparency International listed Afghanistan as the second most corrupt country in the world, continuing its second straight year of declining in the corruption index. Such news is disparaging and provides an important dynamic to how we consider our strategy with regards to Afghanistan going forward. In January, a UN survey found that an overwhelming 59 percent of Afghans view public dishonesty as a bigger concern than insecurity, 54 percent and unemployment, 52 percent. This is telling for a country with widespread violence and an unemployment rate of 40 percent.

As Co-Chair of the Congressional U.S.-Afghanistan Caucus, I have called for policies that allow the United States to provide benefits to the people of Afghanistan. Our effort must enhance our efforts at building both hard and soft infrastructure in Afghanistan. Change in Afghanistan is going to come through schools and roads, through health care and economic opportunity, and through increased trade and exchange. The Afghan people need our help to achieve these objectives, but I am not convinced that our military is the solution. If the Government of Afghanistan can demonstrate a responsible and non-corrupt commitment to its people, I believe that America should respond with appropriate and targeted foreign assistance.

I am also concerned that the United States is shouldering too much of the burden in Afghanistan. Although the terror attacks on American soil prompted NATO to respond with collective military action, no nation is immune from the threat of terrorism. Although the troops and resources provided by our allies have been invaluable to date, especially in regarding development for the people of Afghanistan, questions must be raised about how long other nations will remain involved in Afghanistan. France and Germany, for example have already questioned whether or not to send additional troops. NATO resources must continue to focus on improving the livelihoods of the Afghan people, but if the support of these governments waiver, American troops and Afghan citizens will suffer the consequences.

I agree with our President that a stable Afghanistan is in the best interest of the international community and I was pleased to see President Obama's outreach to our allies for additional troops. Currently, 41 NATO and other allied countries contribute nearly 36,000 troops. That number is expected to increase by nearly 6,000 with at least 5,000 additional troops coming from NATO member countries. Multilateralism is vital to ensuring that our operations in Afghanistan succeed.

Madam Speaker, today, we face difficult realities on the ground. The Taliban attacks our forces whenever and wherever they can. Agents of the Taliban seek to turn the people of Afghanistan against us as we attempt to provide them with help in every way we can. This situation is unsustainable. Afghanistan's history has earned it the nickname, "The Graveyard of Empires," and I believe that we should not take this grim history lightly. By including a timetable for our operations in Afghanistan, we focus our mission and place it in a long-term context. But there is no need to ignore the successes and heroic work of the Armed forces and the civilian humanitarian workers. We can declare victory having achieved a stable government in Afghanistan and bring our troops home with honor.

Although development to improve the lives of the Afghan people is important, defeating al-Qaeda, and the threat they pose to America and our allies is the most important objective of our operations. To that end, I believe that Pakistan, not Afghanistan, is now the key to success and stability in the region. Over the past 8 years, Coalition Forces have successfully pushed most of al-Qaeda out of Afghanistan and into Pakistan. This has not only put them outside the mandate of our forces, but has also forced Pakistan to address an enlarged terrorist threat.

During his State of the Union Address, President Obama spoke of the importance of Pakistan when he noted "America will remain a strong supporter of Pakistan's security and prosperity long after the guns have fallen silent, so that the great potential of its people can be unleashed." As the Co-Chair of the Congressional Pakistan Caucus, I know, first hand, of the great potential of the Pakistani people, and I strongly believe that the recently approved assistance package to Pakistan will work to this end. U.S. foreign assistance to Pakistan will improve Pakistan's capacity to address terrorist networks within its own borders, but I worry that a troop increase will cause even more refugees and insurgents to cross into Pakistan.

Ultimately, we in Congress must decide what is in the best interest of the American people. Fighting al-Qaeda was in the best interest of the American people in 2001, as it continues to be today. Yet, we are now fighting an insurgency—not al-Qaeda—in Afghanistan. This should not be their mission, and we must bring our troops home.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF AND SUMMER JOBS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010 AND FOR OTHER PURPOSES

Madam Speaker, as you know, the Senate has proposed to strike out a portion of the Act that is vital to supporting the career development of our nation's youth. My amendment would reinstate the section of the bill pertaining to "Employment and Training Administration", which appropriates $600 million dollars in grants to states to support summer employment programs for youth.

The recent recession has affected various sectors, and unemployment has been borne by many sectors of the economy, particularly in the housing and banking sectors. The suffering that comes with a major economic downturn has been felt not only by the adult population, but by our youth as well, and they have been hindered in their efforts to acquire summer employment as I speak. Statistics also demonstrate that youth minority groups have been more affected than other groups of young individuals. Data assembled by the Bureau of Labor Statistics indicates that in July 2009, 51.4 percent of young persons between the ages of 16 and 24 were involved in some form of summer employment. This was the lowest recorded rate since 1964. The youth unemployment rate, at 18.5 percent, was also a record low since the onset of the Bureau's statistical studies almost forty years ago. In comparison to a 4 percent rise in unemployment for white youth, 7 percent more African Americans and 10 percent more Hispanics became unemployed between 2006 and 2009. These numbers are troubling, and indicate a need for intervention on our part.

It is important that in our efforts to aid in the economic recovery effort, we do not forget our young Americans. Their career development is crucial to ensuring that whatever economic strides we make today will be sustainable tomorrow. As such, we must ensure that we do not neglect the hardships that have been inflicted upon them as a result of the economic downturn. These funds will promote the intellectual development of our youth, which, in turn, will promote a healthy and innovative economy. Studies have also shown that such an initiative could work to decrease the likelihood of criminal activity by young individuals, who are less likely to engage in such activity when they are involved in productive use of their time.

This Amendment will provide an indispensable source of support for our States to help them develop our youth. For these reasons, I urge my colleagues to support my Amendment on summer youth jobs.

I thank you for consideration of H.R. 4899 for the Fiscal Year 2010 Emergency Supplemental Appropriations bill. Finally, no family, no settlement money for the Black farmers, no monies to save the jobs of teachers, police and fire personnel. This bill is lacking in helping more of the American People.

HONORING THE CAREER OF KENNETH CANTER, D.P.M.

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. McCOLLUM. Madam Speaker, today I rise to honor the service of Kenneth Canter, Doctor of Podiatric Medicine, who recently retired after 32 years serving our veterans at the Minneapolis VA Medical Center.

Dr. Canter received his undergraduate degree from the University of Maryland in College Park, Maryland and his medical degree from the Pennsylvania College of Podiatric Medicine in Philadelphia, Pennsylvania in 1972. He began his career with the Department of Veterans Affairs in Minneapolis in 1977 as one of the first 35 podiatrists hired to treat our veterans. For 32 years, he worked at the Minneapolis VA Medical Center, retiring as Chief of Podiatry in June 2010.

Dr. Canter cared for Minnesota veterans with compassion and respect, always taking additional care to render the finest and most effective treatments. Aside from treating his patients, he authored scientific articles and mentored podiatrists who came to the VA for post-graduate training. Dr. Canter's dedication to outstanding medical care and sincere concern for our nation's veterans are the qualities of a truly great VA doctor, and I am proud that he is a resident of my Congressional District.

Madam Speaker, please join me in honoring Dr. Kenneth Canter for his distinguished 32 years of service to Minnesota veterans.

HONORING THE HENDERSON MEMORIAL BAPTIST CHURCH

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the Henderson Memorial Baptist Church for their remarkable perseverance and dedication to their community.

The Henderson Memorial Baptist Church was formed in the homes and barns of the people of Farmington in 1810. Without a building to meet in, community members met in private spaces until they built their church in 1836. From its humble beginnings, the church and its members formed a strong bond that lasts to this day.

Despite many obstacles, the congregation continues to thrive. Two major fires disrupted the ability of church members to practice in their building in 1886 and again in 1938. Both of these fires were devastating, especially considering the loss of a new Austin pipe organ bought through donations during the Great Depression. However, the congregation has always rallied to rebuild and continue their good work.

The community of the Henderson Memorial Baptist Church has always come together and united for the common goal of keeping their church and congregation alive. The resiliency shown by this congregation during their tumultuous history is highly commendable.

Madam Speaker, please join me in honoring the Henderson Memorial Baptist Church for their resiliency, perseverance and extraordinary dedication.

A TRIBUTE IN RECOGNITION OF THE WEEKLY DOWNTOWN LOS ANGELES COMMUNITY NEWSPAPER, THE GARMENT & CITIZEN, AND ITS FOUNDER, EDITOR AND PUBLISHER, JERRY SULLIVAN

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the Los Angeles Garment & Citizen newspaper in Downtown Los Angeles, which, after 10 years in publication, is closing its doors this month.

With a weekly circulation of 10,000, the Garment & Citizen covered Downtown and the adjacent areas of Echo Park, Angeleno Heights, Silverlake, Westlake, Pico-Union, Chinatown, Little Tokyo, the Arts District and portions of south Los Angeles.

As the member of Congress who represents Downtown, I know the closure of this free weekly will leave a void. Jerry Sullivan, the paper's founder, editor and publisher, started the Garment & Citizen in 2000 to report Downtown area news and events that were not being reported elsewhere.

Every week, one could always count on Jerry to run news items that directly related to the diverse readership he served. The articles heralded the achievements of Downtown students, workers, families and businesses, and provided a vehicle for residents to share a wide range of viewpoints.

I also salute the paper's contributors. They include John Fish, Roberto Porras, Sam Hassan, Rick Ness, J.C. Choe, Raby Savage, Eugene Yi, and Elias Cruz, among others. As Jerry says, they all served the Garment & Citizen and the community with great skill and dedication.

I wish Jerry well as he pursues new endeavors. While the Echo Park resident will no longer hang his notorious fedora in the office of the Garment & Citizen, all of us here in the U.S. House of Representatives will continue to have a unique connection to Jerry. We have the privilege of working closely with one of Jerry's eight siblings, John Sullivan, who has served as House Parliamentarian since May 2004. Upon learning of this tribute, John said of his brother, ''It is impossible for me to overstate how proud I am to be Jerry's brother, and I know I can say the same for each of our brothers and sisters.''

Madam Speaker, I ask my colleagues to please join me in thanking Jerry and his team for their accomplishments and success in publishing the Garment & Citizen. To fully tell the story of the newspaper, I would like to submit into the CONGRESSIONAL RECORD Jerry's own reflections. They clearly reveal his passion and commitment to the news industry and Los Angeles' culturally rich Downtown neighborhoods that he and I both know well, love and celebrate.

WHAT WORKED

(By Jerry Sullivan, Editor & Publisher, Los Angeles Garment & Citizen)

''A lot of famous folks have said that they wouldn't change a thing if they had it all to do over again.

I don't think any of them ever had to shut down a community newspaper.

I would change some things if I had it to do over again.

I'd make some changes—apply the lessons of experience—because whatever I did as the founder and editor and publisher of the Los Angeles Garment & Citizen didn't get the newspaper through these historically tough economic times.

I can carry the weight of that outcome because—while I would make some changes if I had it all to do over—there are so many things that I would make sure to do again.

I would again keep my eyes and my mind wide open in order to give the community the coverage it deserves.

I'd still tell everyone's truth—not just this niche or that demographic group. I'd keep striving to tell the stories of the entire community, and to explain how and why this segment or demographic group matters to the other.

I'd continue to acknowledge the fact that readers are smart.

I'd keep giving advertisers credit for their roles as members of the community.

I'd always do my best to hold both readers and advertisers accountable for their actions as community members.

I'd keep assuming that immigrants are part of our American culture—whether they've obtained citizenship or remain uncertain about taking that step.

I'd still speak truth to power in plain language.

I'd still keep a civil tone in all matters.

I'd still receive whoever found their way to my office, and listen to their story even if their only point is to let someone know that they weren't always in the shape they're in today.

I'd continue to make ideas the heart of reporting.

I'd keep in mind that important and even great ideas can come from unexpected sources buried deep in conversations.

I'd keep the Letters to the Editor section as a truly open forum for all voices and viewpoints in the community.

I'd continue to laud police officers for the job they do so well the vast majority of the time.

I'd keep calling police officers to task—and give others the opportunity to do so—on matters of public concern.

I'd continue to make space for the poets who happen to wash dishes or manufacture garments on their day jobs.

I'd keep reminding longtime, hard-pressed Downtown residents that property owners have a right to build lofts—and young, upscale tenants have a right to move into them.

I'd still tell developers and young, upscale tenants that a community existed Downtown long before anyone built any lofts—and remind them that all communities deserve respect.

I'd keep telling the folks in Echo Park about the Lions Club.

I'd continue to highlight the success stories of youngsters in Westlake and Pico-Union.

I'd keep mentioning Angeleno Heights at every legitimate opportunity.

I'd always expect the unexpected in Chinatown.

I'd still keep some space reserved on deadline for late-breaking news on the latest community cause in Little Tokyo.

I'd keep asking why suffering has such a comfortable home on Skid Row.

I'd remember to always respect my elders on Bunker Hill.

I'd continue to appreciate the artists of the Arts District.

I'd continue to learn from the contentious culture of the Fashion District.

I'd keep marveling at the blend of old and new ways in the Jewelry District.

I'd still highlight folks who work hard and choose decency every day as the Local Heroes of our society.

There are many more things I would do again, because the Garment & Citizen earned some great victories. Our coverage has mattered. We saved taxpayers money. We gave credit where it was due to the mothers and fathers, sons and daughters, and workers and business owners who make our city work. We added valuable insights, criticisms and plaudits to the public debate.

The Garment & Citizen served with honor and distinct style. We developed a voice that reached our readers and earned a strong and unique connection with their lives. We reached rich, poor, working-class and middle-class individuals and families. We reached across ethnic and racial and religious lines. We reached them all—and called them a community.

The Garment & Citizen will disappear but the community shall remain.

It's now up to others to serve this community with the comprehension, courage, and clarity that's called for by the guarantee of freedom of the press that we enjoy under the 1st Amendment to the U.S. Constitution.

The Garment & Citizen has demonstrated that it can be done.

Our fate also shows that it could be done better.

I will look upon the next effort with interest.

Respectfully,

JERRY SULLIVAN.

TRIBUTE TO TRACY PATTON, 2010 STATE WINNER OF LETTERS ABOUT LITERATURE COMPETITION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mrs. CAPITO. Madam Speaker, I rise today to honor Tracy Patton and congratulate her as a state winner of the Library of Congress 2010 Letters About Literature competition.

Letters About Literature is a program developed by the Library of Congress in partnership with Target Stores and state Centers for the Book. It aims to promote reading and writing to young people in fourth through twelfth grades across the nation. Students are encouraged to read a book, then write a letter to the author, dead or alive, conveying their appreciation for the book and its impact on their lives. More than 70,000 students from across the nation that entered the contest, a 25% increase from last year's competition.

The Letters About Literature competition divided students into three divisions by age, and the top letter from each age level were chosen from the states. Level three included all high school students, in ninth through twelfth grades. Tracy was chosen as the Level 3 state winner for 2010 by West Virginia's panel of judges, comprised of authors, editors, publishers, librarians, and teachers. She addressed her letter to renowned playwright and poet William Shakespeare, about his tragedy Romeo and Juliet. Tracy is from Charleston, West Virginia and attends Capital High School. Tracy's teacher, Rosalie Blaul, submitted this winning letter.

It is an honor to pay tribute to Tracy Patton, a student that has committed herself to scholarship in reading and writing. Bright young minds such as hers are truly the future of the Mountain State, and I wish her congratulations.

PROTECTING GUN OWNERS IN BANKRUPTCY ACT OF 2010

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5827, the Protecting Gun Owners in Bankruptcy Act of 2010. This legislation will ensure that individuals' Second Amendment rights are secure when they enter into bankruptcy.

In these challenging economic times, I have heard from families in Michigan's 15th Congressional District concerned they will lose their ability to protect themselves and their families should they enter into bankruptcy. As the Supreme Court recently ruled in Heller vs. the District of Columbia and confirmed in McDonald vs. Chicago, the Second Amendment affords individuals across the nation the right to keep and bear arms for the purpose of self defense. Hardworking Americans who have lost their jobs due to the economic downturn should not fear that they will be stripped of those rights because they are trying to turn their lives around through bankruptcy proceedings.

Most States, including Michigan, do not protect gun owners in bankruptcy because firearms are not listed among the ''household goods'' exempt from the claims of creditors. In 2005, amendments to the bankruptcy code made it even more unlikely firearms would be considered a ''household good.'' However, H.R. 5827 changes that. Specifically, it permits firearms—rifles, pistols and shotguns, up to an aggregate value of $3,000—held primarily for the personal, family or household use of the debtor to be exempt from the claims of creditors under federal exemption law.

Enacting H.R. 5827 will allow the citizens of Michigan and across the United States the ease of knowing they can protect themselves and their families in good times and bad. This is an important bill and I urge my colleagues to join me in voting for it.

HONORING THE AGENCIES INVOLVED IN CONTAINING THE RANGE 9 AND MERIDIAN BOUNDARY FOREST FIRES IN NORTHERN MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. STUPAK. Madam Speaker, I rise to recognize the men and women who showed bravery and perseverance in fighting the Meridian Boundary and Range 9 Fires in northern Michigan's Crawford County and surrounding areas in May of this year. Through their impressive efforts the fire's damage was contained with minimal loss of structures and no loss of life.

On May 18, two separate forest fires broke out only two counties apart—one in Crawford County and the other on land within Camp Grayling's Range No. 9 near the border of Crawford and Kalkaska Counties. Federal, State and local agencies worked together, managing the two fires as one single complex. In total, 16 local fire departments worked alongside members of the Michigan Army Reserve National Guard and State and federal forest management officials, to have the fire 95 percent contained within 8 days.

In all, nearly ten thousand acres were impacted by the fires, with 12 residences destroyed and 6 residences damaged. These firefighters and responders acted with expertise in the field and crews worked around the clock to fight and contain the blaze. Without their determined efforts and quick response the situation on the ground likely would have been far worse.

Agencies involved in containing the Meridian Boundary and Range 9 Fires were: South Branch Township Fire Department, Higgins Township Fire Department, Frederic Township Fire Department, Beaver Creek Township Fire Department, Grayling Fire Department, Lovells Township Fire Department, Luzerne-Big Creek Township Fire Department, Tri-Town Fire Department, Merritt Fire Rescue Department, Clam Union Fire Department, Lake Missaukee Area Fire Department, McBain Fire Department, Lake City Fire Department, Otsego County Fire Department, Otsego Lake Township Fire Department, Vanderbilt Corwith Fire and Rescue, Michigan Army Reserve National Guard, Michigan Department of Natural Resources and Environment Forest Management Division and USDA Forest Service, Mio Ranger District.

Madam Speaker, the men and women of these agencies did excellent work controlling and containing the Meridian Boundary and Range 9 forest fires and keeping people in the surrounding communities safe. Therefore, I ask that you, and all of my colleagues in the U.S. House of Representatives, join me in recognizing their service, honoring their bravery, and thanking them for the heroic job they did in fighting these fires.

HONORING MR. IRVIN R. LAI

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. CHU. Madam Speaker, I rise today to recognize a great loss to our community, Mr. Irvin Lai, who passed away on July 16, 2010, at the age of 83. My heart goes out to his son, Laurence; his daughters Arlene Lowe, Corinne Gill, Irene Jong, Kathleen Lih and Pauline Yau; his brother Collin and sister Mildred Wong; his 12 grandchildren and three great-grandchildren; and the rest of his family and friends.

Irvin was an extraordinary citizen, a role model for community activism and a powerful advocate for the Chinese American community. His selfless and just nature was cultivated in childhood during the Great Depression by his mother, Effie Lai, an unpaid social worker who helped Chinese immigrant women navigate the U.S. social welfare system. It was his mother's work, and his education in a segregated ''Oriental'' school, that taught him the importance of joining together and helping his community.

Lai first served his country as a teenage volunteer in the U.S. Coast Guard Merchant Marines during World War II, where he achieved rank of Chief Steward during his 2 years of service. In 1950 he was drafted into the Korean War, where he served for 2 years in the 4th Infantry Division, 42nd Field Artillery in Germany.

But it was upon his return from the war that Mr. Lai's civil rights activism really took off, when he joined the Los Angeles Lodge of the Chinese American Citizens Alliance in 1957. He worked his way up to national Grand President of the Alliance by 1985, and along the way he fought hard for equal political and economic rights for all Chinese Americans.

Irvin is probably best known for saving the Peking duck in America, when he led the charge to change a law that required Chinese restauranteurs to throw away large quantities of Chinese roast duck and dim sum, or receive costly citations. As a direct result of testimony from Mr. Lai before the State Legislature, a roast duck exemption was added to the health code.

Mr. Lai also stepped forward to help arrange the proper reinterment of Chinese remains unearthed during construction of the Gold Line Eastside Extension, and the preservation of artifacts found at the site.

I urge all my House colleagues to join me in honoring our community hero, Mr. Irvin for

his remarkable service and contributions to our country.

TRIBUTE TO MOLLY LOVERN, 2010 STATE WINNER OF LETTERS ABOUT LITERATURE COMPETITION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mrs. CAPITO. Madam Speaker, I rise today to honor Molly Lovern and congratulate her as a state winner of the Library of Congress 2010 Letters About Literature competition.

Letters About Literature is a program developed by the Library of Congress in partnership with Target Stores and state Centers for the Book. It aims to promote reading and writing to young people in fourth through twelfth grades across the nation. Students are encouraged to read a book, then write a letter to the author, dead or alive, conveying their appreciation for the book and its impact on their lives. More than 70,000 students from across the nation that entered the contest, a 25% increase from last year's competition.

The Letters About Literature competition divided students into three divisions by age, and the top letter from each age level were chosen from the states. Level two included all students in seventh and eighth grades. Molly was chosen as the Level 2 winner for 2010 by West Virginia's panel of judges, comprised of authors, editors, publishers, librarians, and teachers. She addressed her letter to Jean-Dominique Bouby, about his book, The Diving Bell and the Butterfly. Molly is from Fairmont, West Virginia and attends Bluefield Middle School. Molly's teacher, Mrs. Putorek, submitted the winning letter.

It is an honor to pay tribute to Molly Lovern, a student that has committed herself to scholarship in reading and writing. Bright young minds such as hers are truly the future of the Mountain State, and I wish her congratulations.

RECOGNIZING THE HEROISM OF EVAN LANGSTON

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to honor Mr. Evan Langston, for his act of heroism. His call to action in an emergency situation saved the lives of his fellow citizens in Franklin County, Arkansas.

Mr. Langston was the first to arrive at an accident on highway 309 in April and helped the passengers get out of the burning car. He successfully helped a mother and her children get out of dangers way. By doing so, he saved their lives and I would like to ask my colleagues to join me in recognizing Mr. Langston with the honor he deserves.

By acting as a good samaritan, he prevented a great tragedy within his community, and for that I wish to honor him with my appreciation. Mr. Langston's selfless actions have not gone unnoticed.

PERSONAL EXPLANATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. KING of New York. Madam Speaker, I regret that I was unable to be in Washington from July 12 through July 15 and missed rollcall votes 434 through 466 due to illness.

SUPPLEMENTAL APPROPRIATIONS ACT, 2010

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. ETHERIDGE. Madam Speaker, I rise today in support of H.R. 4899, the Supplemental Appropriations Act of 2010.

This Supplemental Appropriations Act provides funds to meet the needs of our troops abroad and our families at home. It provides emergency flood relief for those recently washed out of their homes, improves Federal mine safety for those risking their lives to get energy from American soil, and supports disabled veterans who have given so much to our nation.

This funding will reduce injuries and increase recovery in the wars in Iraq and Afghanistan. It will reduce injuries by replacing vulnerable military transports with mine-resistant ambush-protected vehicles, and provide ballistic protection for helicopters that are in the line of fire. Even with this additional protection, injury is inevitable, but this bill enhances the healing mission. It funds field medical equipment to help heal those who are injured in battle and it funds health care for soldiers when they come home. Veterans exposed to Agent Orange, and their survivors, will finally receive the disability payments they deserve. The promises kept in this bill fulfill our commitments to soldiers today and our veterans from past conflicts.

Unfortunately, this version of the bill leaves out necessary funding for priorities here at home. Our children need teachers. Our neighborhoods need first responders. I agree that ignoring the needs of our states and local communities is wrong. However, we cannot make that right by ignoring the needs of our troops, our citizens in the Gulf, and by leaving our citizens to face hurricane season with no possibility of help from FEMA. Without this funding, the President can still declare disaster areas. But those declarations need to be backed up with the people, the expertise, and the funds provided in this bill. The need to support our troops and keep them safe will not go away either.

The funding in this bill will assist America in our shared, but fragile recovery. Forest lands damaged by natural disaster can be restored. Coast Guard helicopters damaged in the line of duty can be replaced. Fisheries in the Gulf Coast can be helped towards recovery and restoration.

Madam Speaker, I urge my colleagues to join me in voting "yes" on this bill.

TRIBUTE TO CARA LASWELL, 2010 STATE WINNER OF LETTERS ABOUT LITERATURE COMPETITION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mrs. CAPITO. Madam Speaker, I rise today to honor Cara Laswell and congratulate her as a state winner of the Library of Congress 2010 Letters About Literature competition.

Letters About Literature is a program developed by the Library of Congress in partnership with Target Stores and state Centers for the Book. It aims to promote reading and writing to young people in fourth through twelfth grades across the nation. Students are encouraged to read a book, and then write a letter conveying their appreciation for the book and its impact on their lives to the author, living or dead. Of the 70,000 students from across the nation that entered the contest, a 25% increase from last year's competition. Cara was chosen as the 2010 state winner by West Virginia's panel of judges, comprised of authors, editors, publishers, librarians, and teachers.

The contest divided students into three divisions by age, and the top letter from each age level were chosen from the states. The youngest division included students from fourth through sixth grades. Cara Laswell from Fairmont wrote the winning Level 1 letter from West Virginia. Her letter was addressed to Jerry Spinelli about his book Stargirl. Cara attends Fairmont Catholic Elementary School, and her letter was submitted by her teacher Cynthia Garcia.

It is an honor to pay tribute to Cara Laswell, a young student that has committed herself to scholarship in reading and writing. Bright young minds such as hers are truly the future of the Mountain State, and I wish her congratulations.

RECOGNITION OF NATIONAL CONVENIENT CARE CLINIC WEEK

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mrs. CAPPS. Madam Speaker, today I rise in recognition of National Convenient Care Week and in support of the 1,100 retail-based convenient care clinics in our nation.

Convenient care clinics, which are based in retail outlets with pharmacy services across the nation, provide an extension to our traditional health care system. Primarily staffed by nurse practitioners, these clinics provide preventative services like vaccinations, as well as acute illness diagnosis and treatment. Furthermore, they can also provide needed services to help manage chronic illnesses.

Convenient care clinics are an important component of our health care system. Not only are they a way to relieve the stress on busy emergency rooms and primary care offices, but they also provide care to working families who benefit from their extended hours and walk-in policies.

For all of these reasons, I encourage my colleagues to support National Convenient Care Week.

DR. WALTER L. SMITH

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. CASTOR of Florida. Madam Speaker, I rise to herald the achievements of Dr. Walter L. Smith, and to acknowledge our pride in his contribution to the education community.

Dr. Smith was born and spent his early childhood in Tampa, FL before moving to live with family in Cairo, Georgia and Harlem, New York. A self-proclaimed rebellious child, Dr. Smith dropped out of high school at the age of 16 to work at a processing plant. After stints in the Army studying medical laboratory technology and working in a hospital, he moved back in Tampa in 1957 and enrolled in St. Petersburg's Gibbs High School, which doubled as a community college by night. By the age of 23, he had completed his GED and started classes at Gibbs Junior College, where he served as the first student body president. Dr. Smith continued his educational pursuits at Florida A&M and earned his bachelor's and master's degree. After graduation, Dr. Smith was named an African American Institute Scholar and studied at the University of Cape Coast in Ghana and the University of Lagos in Nigeria. Upon his return, Dr. Smith continued his education at Florida State University, where he received his PhD in Higher Education.

Dr. Smith served as Provost of Hillsborough Community College before accepting the position as President at Roxbury Community College in Massachusetts. In 1977, Dr. Smith returned to Florida to serve as the President of his alma mater, FAMU. Our community burst with pride. During his presidency, FAMU grew from seven to eleven schools and colleges. The university also became a Division of Graduate Studies and Continuing Education under his tenure in office. In 1985, Dr. Smith ended his presidency and was named a Senior Fulbright Scholar to the University of Malawi in Central Africa and served as the International Team Leader for Higher Education in the Republic of South Africa. There, he built South Africa's first American-based community college.

In 2000, Dr. Smith moved back to his hometown of Tampa and opened a local library. Named in his honor, the Dr. Walter L. Smith Library, located in a converted house just blocks from his childhood home, serves as both a learning center and haven for local children to cultivate their interests and follow their dreams toward higher education.

Dr. Smith's perseverance and successes have most recently been recognized with the Cornelius P. Turner Award. This award, presented annually by the GED Testing Service of the American Council on Education, recognizes a GED graduate who has made outstanding contributions to society and speaks volumes about Dr. Smith's unlikely road to success.

The Tampa community is proud to recognize Dr. Smith for this award and his many significant contributions to the education community. His determination and hard work have made him an inspirational leader within our Tampa Bay community.

THE TELEWORK IMPROVEMENT ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. MCCOLLUM. Madam Speaker, I rise in support of the Telework Improvement Act. This bill will help to modernize the Federal Government by expanding and improving the availability of teleworking in federal agencies. I thank Chairman TOWNS and the House leadership for their work on this legislation.

With this bill, Congress takes important steps to improve the efficiency of the Federal Government by allowing more Federal employees to have access to telework. Today, many private companies have more vigorous and flexible telework policies that result in increased efficiency and productivity. Yet telework continues to be under-utilized by Federal agencies. H.R. 1722 will require Federal agencies to develop policies within one year that allow qualifying employees to telework. This bill ensures accountability by directing the Office of Management and Budget to issue guidelines to prevent improper uses of official time or resources by those working outside the office.

Madam Speaker, I also oppose the Republican Motion to Recommit on H.R. 1722. The underlying legislation makes clear that Federal employees are strictly prohibited from visiting inappropriate websites using government computers. In addition, this motion contains a provision designed to indiscriminately and unfairly prohibit an employee from collective bargaining activities while they are teleworking. Under current law, official time for union activity may only be used to represent employees in adverse actions, attend official meetings with management, and bargain union contracts. To disallow these activities from being performed through telework would constitute a rollback of existing policy.

I urge a "no" vote on the Republican Motion to Recommit and urge my colleagues to support final passage.

SUPPLEMENTAL APPROPRIATIONS ACT, 2010

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mrs. MALONEY. Madam Speaker, I rise today in opposition to the war supplemental funding bill.

After years of war that have strained our military, their families, and the country, I cannot continue to support funding for the war in Afghanistan—a war marked by increasing violence and attacks on our troops and no clear definition of success.

The last time this measure was before us, I voted with my colleague Rep. BARBARA LEE on her amendment to prevent an escalation and limit funding to the safe and orderly withdrawal of our troops and military contractors from Afghanistan.

I also voted in favor of the McGovern-Obey amendment that would require the President to provide Congress with a plan for the expeditious redeployment of U.S. troops in Afghanistan and a timeline for completion of the redeployment.

But the bill before us is simply a continuation of a policy that needs to be changed—with no accountability and no debate on the merits of continuing this conflict in a country beset by corruption and seemingly endless violence.

Contained in this bill is badly needed funding for Haiti, disaster relief and funds for our veterans, which I wholeheartedly support and would urge a separate up or down vote.

But a vote for this bill before us today is a vote to continue this war and the time has come to bring our troops home.

Reports of corruption abound in Afghanistan, and without a true partner in the Karzai government, our prospects for making real progress have grown dim.

In recent days, even more troubling reports have come out of the region indicating that Pakistan intelligence may be collaborating with elements of the Taliban against the United States. With claims such as these coming to light, how can we move forward with business as usual on the war?

I cannot in good conscience vote to continue funding this war at so high a cost and with no guarantee that our efforts are reaching our goals there and keeping the American people safe.

That is why I vote "no" today.

H.R. 5897, THE "ECONOMIC REVITALIZATION AND INNOVATION ACT OF 2010"

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. OBERSTAR. Madam Speaker, I rise today to introduce H.R. 5897, the "Economic Revitalization and Innovation Act of 2010", to authorize the programs of the Economic Development Administration, EDA, for 5 years. This legislation creates new programs and adds additional flexibility to EDA's current authorities to ensure that EDA will continue to meet the challenges of high unemployment in economically distressed communities and the need for innovative job creation programs.

In 1965, I served as a staff member of the Committee on Public Works when President Lyndon B. Johnson signed the Public Works and Economic Development Act into law, creating EDA. I was a strong supporter of EDA then and I continue to support the agency now, 45 years later.

I know EDA works because I have seen it work first-hand: providing infrastructure investment, job training, and planning funds to create jobs and economic opportunities in economically distressed communities across the Nation—from blighted urban and rural communities to regions devastated by natural disasters. In fact, we need look no further than in Congress' own back yard where EDA provided critical funding to reconstruct the Eastern Market facility, which was destroyed in a fire. Eastern Market, with assistance from EDA's flexible and responsive programs, was quickly rebuilt, restoring not only bricks and mortar, but economic opportunity for small businesses and jobs for the local community.

In the current difficult economic climate, EDA plays a strategic role in supporting the efforts of economically distressed communities to cope with a diverse range of economic disruptions and move toward recovery. Part of EDA's success is due to the fact that it truly operates its programs as an investor, seeking to obtain the maximum impact for the Federal dollar. EDA investments are also instrumental in attracting private capital to communities. In fact, in fiscal year 2009, EDA invested $466 million in infrastructure that attracted $11.7 billion in private investment—or $25 for every $1 of Federal investment.

What enables EDA to operate such effective programs is its extensive network of more than 800 local economic development partners across the country. These partners, with assistance from EDA, perform the rigorous regional planning activities necessary to ensure viable, locally-supported, job-creating projects that EDA then funds on a competitive basis. Such projects include:

Construction of a job training center in Delaware to train former auto workers in green building technology and alternative energy systems;

Expansion of port infrastructure in Georgia to allow for increased exports of U.S. manufactured products;

Conversion of an obsolete furniture factory in Mississippi to train workers for new advanced manufacturing positions; and

Expansion of rail infrastructure in Tennessee to service a new industrial park where the first Volkswagen automobile plant in the United States will locate.

These projects are just a handful of EDA's efforts to create jobs and provide the building blocks for economic development in economically distressed communities throughout the nation.

H.R. 5897, the "Economic Revitalization and Innovation Act of 2010", reauthorizes EDA for 5 years and provides the necessary funding and investment tools to enable EDA to help regional and local communities raise the standard of living for their citizens, increase the overall rate of economic growth by expanding economic opportunities, increasing international competitiveness, and fostering a climate to create jobs.

H.R. 5897 provides $500 million for Economic Development Administration, EDA, investments for each of fiscal years FY 2011 though FY 2015, for a total authorization of $2.5 billion. This annual investment level is equal to the FY 2008 authorization level, but represents a significant increase over current appropriations levels.

Specifically, the bill authorizes:

$2.225 billion for economic development investments, including public works and economic adjustment grants;

$180 million for planning grants to Economic Development Districts (EDDs);

$50 million for university centers in States, including DC, without such centers; and

Such sums as necessary for EDA administrative expenses.

The authorized funding levels in H.R. 5897 will support grants to economically distressed communities, increased staffing to assist communities, and new and expanded programs.

With more than 8.4 million jobs lost during the recent recession, the call from the American people is "jobs, jobs, jobs." H.R. 5897 is a considered response to this dire need. Major provisions in H.R. 5897 that accomplish the goal of increasing jobs and support to distressed communities include:

Providing loan guarantees, up to a total of $500 million, to construct business incubators and science and research parks;

$25 million in annual funding to support green and alternative energy investments;

Direct funding using EDA's existing network of non-profit lenders to lend to technology and manufacturing companies;

Increased funding to EDA's network of local planning organizations;

Assistance to communities to incentivize manufacturing and technology companies to locate or relocate to the United States from overseas, or "on-shoring";

Funding and direction to EDA and its local planning partner organizations to capitalize on economic development opportunities from high-speed rail; and

Greater flexibility in EDA funding to allow communities to adapt to new economic circumstances, such as high home foreclosures and reduced tax revenues.

By focusing EDA's efforts on proven programs and projects such as business incubators, which tend to generate the greatest number of long-term jobs, we can help facilitate and support the economic renaissance that so many communities need.

I cannot overstate the importance of this legislation. I am sure that every Member has seen firsthand the devastation of lost jobs and distressed communities. As we consider reauthorization of EDA, we must recognize the current economic picture is unsettled: investor confidence and enthusiasm has given way to uncertainty and wariness of future development opportunities. However, EDA, the only Federal agency tasked with the mission of supporting economic development in distressed areas from the ground up, must be empowered to continue to identify opportunities for future economic growth, job creation, and global competitiveness using its expertise and model of proven success.

A complete summary of H.R. 5897, the "Economic Revitalization and Innovation Act of 2010," is included with my statement.

[Committee on Transportation and Infrastructure, July 28, 2010]

H.R. 5897, THE "ECONOMIC REVITALIZATION AND INNOVATION ACT OF 2010"

(Introduced by the Honorable James L. Oberstar, the Honorable Eleanor Holmes Norton, and Other Members of the Committee)

AUTHORIZED FUNDING LEVELS AND JOB CREATION GOALS

Authorized Funding Levels

H.R. 5897, the "Economic Revitalization and Innovation Act of 2010," provides $500 million for Economic Development Administration (EDA) investments for each of fiscal years (FY) 2011 through FY 2015, for a total authorization of $2.5 billion. This annual investment level is equal to the FY 2008 authorization level, but represents a significant increase over current appropriations levels.

Specifically, the bill authorizes:

$2.225 billion for economic development investments, including public works and economic adjustment grants;

$180 million for planning grants to Economic Development Districts (EDDs);

$50 million for university centers in States (including D.C.) without such centers; and

such sums as necessary for EDA administrative expenses.

Job Creation Goals

Requires that recipients of EDA assistance establish job creation goals as a condition of receipt of EDA assistance, and penalizes recipients for failure to satisfy job creation goals.

EXPANDED SUPPORT FOR BUSINESS INCUBATORS AND SCIENCE AND RESEARCH PARKS

Loan Guarantee Funding

Provides a total of $500 million in loan guarantees (i.e., a guarantee of non-Federal financing) to enable EDA to provide loan guarantees for the construction and development of business incubators and science and research parks.

Construction Funding

Continues funding for the construction or expansion of business incubators and science and research park facilities under EDA's public works grant program (requiring matching funds).

Operations Funding

Clarifies EDA's ability to provide business incubator operating support.

HIGH-SPEED RAIL ECONOMIC DEVELOPMENT AND SUSTAINABLE ECONOMIC DEVELOPMENT

High-speed Rail Economic Development

Requires EDA to coordinate and evaluate opportunities (including studies and reports) related to high-speed rail projects in conjunction with its local economic development partners and the Department of Transportation. In addition, the bill directs university centers to conduct research and provide technical assistance to communities with respect to the economic development opportunities related to high-speed rail projects. Provides $500,000 per year to EDDs for high-speed rail economic development planning.

Sustainable Economic Development

Creates a new program for investment ($25 million annually) in projects focused on economic development and job creation connected to alternative energy technologies (photovoltaic, wind, and geothermal), including assistance to communities for business attraction or retention and alternative energy focused job training analyses.

"ON-SHORING" OF JOBS TO THE UNITED STATES AND INCENTIVES TO ENCOURAGE PRIVATE SECTOR INVESTMENT IN TECHNOLOGY AND MANUFACTURING COMPANIES

On-Shoring Incentive

Establishes three separate programs to allow or provide preference for EDA investment assistance to projects that locate or relocate technology and manufacturing companies to the United States, including:

Incubator Loan Guarantee Program to provide assistance to a facility that will house technology or manufacturing companies locating or relocating to the United States;

Sustainable Economic Development Program to provide assistance to support the efforts of communities to attract technology and manufacturing businesses locating or relocating to the United States; and

Equity Financing Program to establish preference for a Revolving Loan Fund (RLF) equity investment for technology and manufacturing companies that locate or relocate to the United States.

Equity Financing

Creates a new program that allows EDA's current RLF program to be used to fund investment (up to $250,000 per company) in exchange for equity. This program will leverage the network of existing RLF third-party, non-profit intermediaries to administer the program. Provides preference to incubator companies, companies commercializing technology at science and research parks, and

technology or manufacturing companies locating or relocating to the United States.

FLEXIBILITY IN ECONOMIC DEVELOPMENT FUNDING OF PROJECTS

Revolving Loan Funds and Construction Projects

Provides EDA grant recipients with authority (pursuant to EDA approval) to redirect funds for new projects that meet EDA criteria.

BRAC- and Department of Defense-Impacted Communities

Authorizes EDA to consider ''mission growth'' of Defense Base Closure and Realignment (BRAC) or Department of Defense-impacted communities as a criterion for assistance, and allows EDA to consider economic opportunities and not simply economic injury as a basis for assistance to these communities.

Declining Tax Revenue Communities

Authorizes EDA to consider communities' declining tax revenues as the basis for increased Federal share of project costs or an eligibility determination, such as substantial home foreclosure rates creating economic conditions allowing grant assistance to particular communities or regions.

DEFINED ROLE FOR ECONOMIC DEVELOPMENT DISTRICTS AND INCENTIVES FOR REGIONAL PLANNING

Role of EDDs

Clearly defines the responsibilities of an EDD in statute to ensure that local communities have an established role in developing economic development projects.

Multi-Regional Planning and Incentives

Allows EDDs to consolidate without the current penalty of reduced EDD funding.

IN CELEBRATION OF FIFTEEN YEARS OF U.S.-VIETNAM DIPLOMATIC RELATIONS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in celebration of 15 years of U.S.-Vietnam diplomatic relations. On July 14, 2010, I joined former President Bill Clinton, Senator JOHN KERRY and Senator JOHN MCCAIN in offering remarks at an event hosted by Ambassador of Vietnam Le Cong Phung and Assistant Secretary of State Kurt Campbell in honor of this occasion.

While time will not permit me to elaborate about the competing interests of ridding the world of colonialism versus communism and America's decision to eventually intervene in Vietnam, the majority of the American people did not know of the complexities facing the countries of the Asia region.

Why, for example, did Ho Chi Minh and so many other Asian leaders become followers of socialist, Marxist, and communist ideologies? One obvious reason is that the worst examples of those who advocated freedom and democracy were those European countries that came and colonized so many of these Asian nations, including Vietnam.

For some 100 years, Vietnam was colonized and exploited by the French and, during President Dwight Eisenhower's Administration, the French government requested American military assistance to fight the Vietnamese who, under the leadership of Ho Chi Minh, were struggling for independence from French colonial rule. President Eisenhower refused to help the French in Vietnam for the simple reason that French exploitation and colonial policies in the region went against the ideals upon which America was built.

Subsequently, in 1954, long before American intervention in Vietnam, Ho Chi Minh led his people to fight against French colonialism for which the famous battle of Dienbienphu was fought to liberate his country. While Ho Chi Minh's early intent was to get rid of 100 years of French colonialism and establish a better life for his own people, regrettably when the U.S. entered the fray in 1955 and by the time the Nixon administration withdrew U.S. troops forces in 1973, millions of U.S. troops had served in Vietnam, with more than 58,000 killed.

Three to four million Vietnamese were also killed, as were 1.5 to 2 million Laotians and Cambodians. For what, we ask? As a result of this horrific war, U.S.-Vietnam diplomatic and economic relations were virtually non-existent for more than 20 years following North Vietnam's victory in 1975—until President Bill Clinton announced the formal normalization of diplomatic relations with Vietnam on July 11, 1995.

Prior to this, President Clinton announced the end of the U.S. trade embargo in 1994 and, 2 months later, the U.S. Congress passed the Foreign Relations Authorization Act which contained a Sense of the Senate express the chamber's support for the normalization of relations with Vietnam.

In 1997, President Clinton appointed the first post-war ambassador to Vietnam and signed the landmark U.S.-Vietnam bilateral trade agreement, BTA, in 2000. Vietnam did its part, too, improving cooperation on POW/MIA and refugee issues and moving forward on its ongoing reform efforts.

In November 2000, President Clinton visited Vietnam, the first trip by a U.S. President since Richard Nixon went to Saigon in 1969. Tonight, we applaud former President Clinton for his visionary leadership which has led to this moment. I also commend Ambassador Le Cong Phung for the tremendous service he has rendered to his country.

Today, economic ties are the most mature aspect of our bilateral relationship with trade flows exceeding $15 billion in 2009, more than ten times the level in 2001. But we can do better, and one area that must be addressed is our forgotten responsibility to the victims of Agent Orange because part of normalizing relations means coming to terms with our past.

As Chairman of the House Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment, I have held a series of hearing about Agent Orange and our need to clean up the mess we left behind.

From 1961 to 1971, the U.S. military sprayed more than 11 million gallons of Agent Orange in Vietnam. Agent Orange was manufactured under Department of Defense, DOD, contracts by several companies including Dow Chemical and Monsanto. Dioxin, a toxic contaminant known to be one of the deadliest chemicals made by man, was an unwanted byproduct and is thought to be responsible for most of the medical problems associated with exposure to Agent Orange.

According to Hatfield Consultants, the U.S. Department of Defense as well as Dow Chemical and Monsanto knew as early as 1967 of the potential long-term health risks, and sought to ''censor'' relevant news reports, ''fearing a negative backlash from government and the public.''

More than 30 years later, while research clearly shows that Agent Orange was much more hazardous than anyone would admit, U.S. and Vietnamese victims have not been adequately compensated, and Vietnam has not been cleaned-up. Ironically, Dow is now doing business in Vietnam but refuses to help the victims of Agent Orange, and this is not right.

In 2007, after 40 years, I, too, returned to Vietnam and, at a closing dinner hosted by the National Assembly of Ho Chi Minh City, I had long discussions with members of their Foreign Affairs Committee who had also served in the Vietnam War. Although we were once enemies, we embraced each other as friends who share the same hopes and dreams for our families and countries, and this is how it should be but full normalization will not be achieved until the Agent Orange issue is addressed. It is my sincere hope that we will come together and agree on a way to make this matter right.

Once more, I congratulate the government and people of Vietnam and applaud former President Bill Clinton, President George W. Bush, President George H.W. Bush, President Ronald Reagan, President Barack Obama and Secretary of State Hillary Clinton for all they have done to get us where we are today.

SUPPLEMENTAL APPROPRIATIONS ACT, 2010

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. ESHOO. Madam Speaker, I have grave concerns about the legislation before the House to provide $37.1 billion for ongoing military operations in Iraq and Afghanistan. Our total war spending in Iraq and Afghanistan including the funding provided by this bill will exceed $1 trillion. Yet this spending comes without a viable exit strategy for the conflict in Afghanistan which is the longest war in our nation's history.

The recent publication of tens of thousands of leaked field reports on Afghanistan confirm what we already know: Our continued troop presence is alienating the local population, corruption is rampant in the Afghan government, the Taliban population is stronger than ever, and our Pakistani partners are unreliable at best.

Afghanistan is known as the graveyard of empires for a reason. No one since Ghengis Khan—not Alexander the Great, not the Persians, not the Ottomans, not the British, nor the Soviets—has been able to succeed in this troubled country. Some have said the definition of insanity is continuing to do the same thing over and over again and hoping for a different result. We should learn from those who came before us.

Madam Speaker, without an exit strategy, approving billions more of hard-earned taxpayer dollars for the war in Afghanistan is difficult enough to justify. But this cost pales in comparison to the loss of American lives. June

was the deadliest month in the war thus far, when 102 Americans made the ultimate sacrifice.

It is also hard to justify supporting this legislation with billions more for war when the Senate stripped out $10 billion for an Education Jobs fund that the House provided to help our school districts retain and develop their teaching workforce. I cannot cast a vote for war funding when we can't find the resources to invest in our schools and students.

Most importantly, the President said our mission in Afghanistan must be definable and winnable. I believe it is neither, and I will vote against funding for it.

CONGRATULATING TEAM WASHINGTON AT LAST WEEK'S SPECIAL OLYMPICS IN LINCOLN, NEBRASKA

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to congratulate Team Washington on an outstanding performance at last week's Special Olympic National Games in Lincoln, Nebraska.

I'm proud to say that Washington's team took home eleven gold, twenty-two silver and fifteen bronze medals. Two of these medalists are from my district: Jason Raymond from Spokane won one gold and three bronze medals in swimming, and Scott Tobin of Cheney brought home three gold and one silver medal in Track and Field.

Our athletes also won medals in bowling, weight-lifting, shot-put and aquatics—and they were extraordinarily successful in many other events, too.

So today I'd like to congratulate the twenty-seven talented, brave and hardworking athletes from my home State of Washington.

They have inspired us with their strength and determination—and are paving the way for a brighter future for my son Cole and all those with special needs.

On behalf of the U.S. Congress, congratulations, Team Washington. Thank you for making us proud.

POSITIVE DEVELOPMENTS IN THE DOMESTIC AUTOMOBILE INDUSTRY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. DINGELL. Madam Speaker, I rise to draw my colleagues' attention to recent positive developments in the domestic automobile industry. Two-and-a-half years ago, at the onset of the current recession, such good news would have seemed improbable, yet thanks to constructive engagement by the best workers in the world, reinvigorated management, attractive product design, and, in the case of Chrysler and General Motors, timely and thoughtful intervention by the federal government, the United States' automakers are back on track to become industry leaders.

Such leadership is already manifest in three measurable areas. First, after consistent losses for the past 5 years and record low levers of U.S. aggregate demand for the sale of light vehicles, Chrysler, Ford, and General Motors have all reported positive operating earnings and cash flow for the first quarter of 2010. Second, according to the 2009 Harbour Report, all three major U.S. automakers now match or exceed Toyota North America's labor productivity levels in major manufacturing operations in North America. Third and finally, according to the most recent JD Power Initial Quality Survey, the Ford Motor Company is now the highest quality mass production automaker based on consumer rankings, beating out Honda, Toyota, and Nissan.

Indeed, these accomplishments merit praise and confirm the wisdom of the Federal Government's role in nursing the domestic auto industry, whether through loans or tax credits, back to health. This in mind, however, we in Congress and the Administration must continue working together to protect the nascent recovery of Chrysler, Ford, and General Motors and the millions of American jobs they support. We must direct Federal support toward the manufacturing sector to rebuild our dwindling supply base. Further, we must enact initiatives to improve the flow of private credit to consumers, suppliers, and automakers alike, so that they can grow and put more Americans back to work. We must also stridently oppose lop-sided trade agreements and unfair foreign trade practices that put our domestic industries at a competitive disadvantage. Finally, we must ensure our automakers and suppliers have the requisite support to meet future technical challenges, for which foreign companies will surely receive state-financed aid.

I urge my colleagues to join with me in congratulating the domestic automobile industry for its most recent achievements, wish it continued success, and help it compete in the future by creating a level playing field with our trade partners.

IN HONOR OF MAJOR GENERAL RUPERT H. BURRIS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. ROSS. Madam Speaker, I rise today to honor a fallen hero who was a respected and dedicated officer in the United States Air Force. On July 13, 2010, our State and Nation lost a great patriot when Maj. Gen. Rupert H. Burris of the U.S. Air Force, aged 84, passed away at his home in El Dorado.

General Burris was born in Whelan Springs, Arkansas, to his late parents Thomas and Estelle Burris and attended high school in El Dorado. General Burris graduated from Jackson College in Honolulu, Hawaii.

General Burris enlisted in the U.S. Army Air Forces during World War II and served as a crew member of a B–17 bomber in the European theater of operations. He completed more than 30 bombing missions over Germany and France, serving as an armorer and gunner.

Following the war, General Burris re-enlisted in the U.S. Army Air Forces in 1947, eventually entering Officer Candidate School in 1948. What followed was a long and distinguished military career. General Burris held numerous commands in the United States and overseas, becoming the first nonrated officer ever to head an Air Force major command.

During his highly decorated career, General Burris received many military awards and decorations, including the Legion of Merit with oak leaf cluster; Bronze Star Medal; Meritorious Service Medal; Air Medal with four oak leaf clusters; Air Force Commendation Medal with two oak leaf clusters; Air Force Outstanding Unit Award Ribbon with "V" device; Good Conduct Medal; Vietnamese Honor Medal, First Class; Republic of Vietnam Cross of Gallantry with Palm; and the Republic of China Meritorious Service Medal, Class A, Second Degree.

My thoughts and prayers go out to his daughter and son-in-law Clarice and Chris Long; his brother, Thomas; sister, Jane; four grandchildren and three great-grandchildren. I know I, along with all Arkansans, will sorely miss General Burris' presence and will try to find solace in the fact General Burris defined what it meant to be a true patriot—dedicating your life to the service of our great Nation and to leave your community better than you found it.

Our Nation is safer and stronger because of the men and women who have dedicated their lives to military service like General Burris. Today, I ask all members of Congress to join me as we honor the life of Maj. Gen. Rupert H. Burris and his legacy, as well as each man and woman in our Armed Forces who gives the ultimate sacrifice in service to our great country.

CONGRATULATING THE PATIENT ADVOCATE FOUNDATION ON THE OPENING OF THEIR NEW HEADQUARTERS IN HAMPTON, VIRGINIA

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. SCOTT of Virginia. Madam Speaker, I take great pride in the fact that Virginia is home to the Patient Advocate Foundation and that the Nation's most vulnerable citizens have such a great group of people working diligently on their behalf. I cannot mention health care in Virginia or the Patient Advocate Foundation without telling you how proud I am to know and have worked with its founder, Nancy Davenport-Ennis. Not only is she an incredible force for health care in Virginia and the Nation, she is also a constituent and a friend.

Nancy's efforts embody the struggle of her friend and mentor, Cheryl Grinnel. Cheryl's battle with cancer and her frustration with the insurance industry inspires Nancy and all of us to do what we can to correct the egregious context in which a patient has to operate in trying to obtain the level of medical care needed to address a serious health condition. Drawing on that inspiration, Nancy and her husband, John Ennis, founded the Patient Advocate Foundation. Nancy and John have worked tirelessly to get laws on the books in Virginia, and she is now at the forefront of the effort to close the health disparities gap and

secure more funding for research and clinical trials.

Since 1996, the Patient Advocate Foundation has advocated for patients who are working through the complexities of a serious illness while navigating through health insurance red tape, selecting the right treatment options for them and their family, while dealing with possible financial problems that arise due to the chosen method of treatment and addressing care giver stress. The Foundation gives hope to many patients and their families on a daily basis. Its number one goal is to get patients the necessary treatment after they are diagnosed with cancer or other life-threatening diseases. Through the Virginia Cares for the Uninsured program, VCUP, the Patient Advocate Foundation provides assistance to individuals who have been diagnosed with a chronic illness but do not have health insurance to pay for treatment or cannot afford treatment. The goal of the Foundation is to connect these individuals with doctors and facilities that will donate treatment services or accept reduced fees while ensuring the patient gets all necessary treatment. The advocacy efforts and community connections of Nancy and John, the executive board of directors, staff and volunteers at the Patient Advocate Foundation are often critical in making this happen.

Madam Speaker, I would like to take this opportunity to congratulate Nancy Davenport-Ennis, president and CEO, the executive board of directors, the staff and volunteers of the Patient Advocate Foundation on the opening of the Foundation's new headquarters in Hampton, Virginia. The Patient Advocate Foundation's executive board of directors includes directors from Virginia as well as national directors including Admiral Deborah Parham Hopson, appointed to serve this year on the Federal Coordinating Council. Three national non-profit patient advocacy organizations are represented on the executive board of directors by Dr. Lovell Jones, co-founder of the Intercultural Cancer Council; Dr. Alan Balch of the Preventive Health Partnership, a collaborative of the American Heart Association, American Diabetes Association and the American Cancer Society; and Venus Gines, executive director and founder of the Dia de la Mujer Latina, Inc. The Foundation's support is partially derived from national non-profit organizations in the United States including the American Cancer Society, Lance Armstrong Livestrong, the Leukemia Lymphoma Society and the Susan G. Komen Foundation. Support over the years has also come from the Centers for Disease Control, the federal appropriations process, the Commonwealth of Virginia and by the Foundation's annual fundraiser in Hampton Roads, where it receives strong support from the business community.

Madam Speaker, with the assistance of 180 full-time employees in their national headquarters in Hampton Roads, a corporate foundation office in San Diego, California, and with satellite locations in Iowa, Florida, North Carolina, New York and Nevada, the Foundation successfully closed 55,364 cases of patients diagnosed with chronic, debilitating and/or life-threatening conditions just last year. The Foundation provides services in both English and Spanish with special national outreach programs to underserved populations, specifically, the African American community and the Hispanic and Latino communities. Additionally, the Foundation serves the Asian population and Pacific Islanders.

Madam Speaker, access to quality, affordable health care is critical to the well being of our country, today and in the future. While we have accomplished a tremendous feat by passing the health care reform bill this year, we still have much more work to do in Congress and on Main Street U.S.A. I believe the work that the Foundation does is key to fixing our health care system not only in Virginia, but nationwide. It is imperative that we have organizations like the Patient Advocate Foundation to assist the chronically ill through the health care system by helping them get insurance coverage, medical assistance and medication.

Again, I commend the Foundation for all of the work that it has done for the citizens of the 3rd district of Virginia and wish it continued success in its new home.

HONORING THE VOLUNTEERS OF AMERICA ON THE 40TH ANNIVERSARY OF THE MAPLEWOOD CARE CENTER, AND THE 15TH ANNIVERSARY OF THE HOMESTEAD ASSISTED LIVING CENTER

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. MCCOLLUM. Madam Speaker, it is my honor to congratulate the Volunteers of america on the 40th anniversary of the Maplewood Care Center, and the 15th anniversary of The Homestead Assisted Living Center. These centers provide a caring community through assisted living housing, short-term rehabilitation, long-term care and dementia care for senior citizens.

The Volunteers of America are a national, non-profit organization that has been active in Minnesota for 114 years. Providing quality community programs and services to those in need for over a century has made them a leader among Minnesota's human service organizations.

A dedication to caring for Minnesota's seniors led the Volunteers of America to open the doors of its Maplewood Minnesota Care Center in 1970. This quality center has provided my community with skilled nursing care for individuals with chronic diseases and for those recovering from illness or injury. In addition to participating in both the Medicare and Medicaid programs. Joining the Maplewood Care Center, on what is now known as the Volunteers of America Maplewood Campus, in 1995, The Homestead Assisted Living Center provides care and an atmosphere of independence for seniors. An on-site Dementia Support group provides support for families with loved ones with dementia.

I commend Volunteers of America for their commitment to Minnesota seniors and for their dedication to providing compassionate, quality care, and housing for those in need.

Madam Speaker, in honor of Volunteers of America, I am pleased to submit this statement.

TRIBUTE TO EDWARD M. CUNNINGHAM

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to Edward M. Cunningham. On July 19th, 2010 the cause of justice in America and Arkansas lost one of its faithful servants, Edward M. Cunningham of Jonesboro, Arkansas.

After completing special agent training in the FBI, Edward Cunningham dutifully served for over 30 years in law enforcement. He was also a United States Navy Veteran following his service in World War II. His stations would take him to San Francisco in 1951, Little Rock in 1964, Blytheville in 1967, and Jonesboro in 1971. These cities were made safer and their futures brighter by his work and dedication.

He would employ these many years of expertise in his tenure as Chief of Police in Jonesboro from 1979 until his retirement in 1987. Even after his retirement he continued his work by helping to educate the next generation of law enforcement agents by teaching Criminology at Arkansas State University.

A cancer survivor of 51 years, he pledged his time and efforts to encourage and support those battling cancer through his work with the St. Bernard's Auxiliary. Edward Cunningham was a magnanimous individual and a beloved member of his community.

I send Edward's family my deepest condolences for their loss, and hope they can find some comfort in the thought of the powerful and positive mark he left on the communities he served. I ask today of my fellow colleagues that we stand and honor the legacy of Mr. Edward Cunningham.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,258,280,104,675.66.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,619,854,358,381.86 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

COMMEMORATING THE TURKISH INVASION OF CYPRUS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. SCHIFF. Madam Speaker, I rise today to recognize the 36th anniversary of the Turkish invasion and continuing occupation of the

northern part of Cyprus. Since then, Cypriots have suffered from the division of their country and countless violations of their human rights by Turkish occupation forces. Even today, there is one Turkish soldier for every 2 Cypriots, making Cyprus one of the most heavily militarized places on Earth. It is important that we recognize not only the anniversary of the invasion, but also the island's ongoing problems at the hands of Turkey.

On July 20, 1974, Turkish troops unlawfully occupied the northern part of Cyprus with a heavily-armed force that maintains control of 37 percent of Cyprus today. This has resulted in the usurpation and exploitation of Cypriot property, as well as the creation of hundreds of thousands of refugees. Additionally, an influx of Turkish immigrants has settled into the evicted Cypriots' homes, permanently altering the demographics of Cyprus and outnumbering native Cypriots by two to one. The UN has passed a multitude of resolutions calling for Turkish withdrawal from Cyprus, but they have been continually ignored.

As Cyprus has always been a reliable partner of the United States, we must not forget the injustices suffered by its people. We must uphold the ideals of freedom, democracy, justice, human rights, and the international rule of law. By invading Cyprus, Turkey is in direct offense to all of these. As much as we would rather have no such grievance to recognize, it is important that we commemorate these injustices today.

I urge my colleagues to join me in expressing the hope that Cyprus will be reunified soon and that peace will return to this beautiful and historic land in the eastern Mediterranean.

IN MEMORY OF DORILL WRIGHT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. GALLEGLY. Madam. Speaker, I rise in memory of Dorill Wright, a close, personal friend of my wife, Janice, and me, who passed away on Sunday.

Dorill served as Mayor of Port Hueneme, California, from 1974–1990 and served as a city councilman and planning commissioner before that. He decided to run for office, he said, because if you're unhappy with government, you should do something about it. It was that same philosophy that led me to my first run for public office.

A member of the Christian Church of Oxnard, Dorill and Jacquelyn, his wife of 63 years, believed in God, community and family and devoted their efforts to all three.

Born and raised in Missouri, Dorill served in the Army Air Corps during World War II. After college, the Navy hired Dorill and four other engineers to form a research laboratory for structures with electrical check equipment.

In 1950, the staff and laboratory were transferred to the Port Hueneme Naval Construction Battalion Center and in 1957 Dorill transferred to Point Mugu. There he served as a field and design engineer and was later named head of the technical support department.

In 1965, Dorill moved his family to Port Hueneme and Dorill started his long and lasting impact on the city. He joined the Chamber of Commerce, was appointed to the city Planning Commission, was elected to the City Council in 1970, and served on the California Coastal Commission, the Oxnard-Port Hueneme Wastewater Treatment Authority and the Ventura County Association of Governments.

The dedication and love Dorill gave to Port Hueneme was reciprocated when the city named the cultural center in his honor.

Jacqueline passed away in 2005. Surviving Dorill are his three daughters, Valory Wright-Pietruszenko, and her husband, George; Jacquelyn Jay, and her husband, William; and Dorilan Arko, and her husband, Ron; seven grandchildren and numerous great-grandchildren.

Madam Speaker, I know my colleagues will join Janice and me in offering our condolences to the Wright family, and in remembering a remarkable man whose life of service will live on in all those whose lives he touched.

VIET BAO DAILY NEWS' 10TH ANNIVERSARY OF THE WRITING ON AMERICA AWARD

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to celebrate Viet Bao Daily News' 10th Anniversary of the Writing on America Award. In 2000, Viet Bao Daily News established the Writing on America Award with one simple mission—to create an opportunity for Vietnamese people to share their individual experiences.

The writing competition soon turned into a grand annual award celebration, and then became a uniting set of stories for thousands of Vietnamese people. The initial objective of the writing contest was to preserve the Vietnamese language and cultural values. However, the impact exceeded Viet Bao's initial expectation. The writings have become more than just a compilation of shared, collective philosophical values—they are a means to preserve historical values.

I applaud Viet Bao Daily News for these important achievements. I would also like to congratulate all of the winners and participants, who have contributed countless inspiring stories on their experiences and journey to assimilate in American society. I look forward to seeing the future contributions that Viet Bao Daily News will make to this great country.

HONORING THE VEILLEUX/VIGUE FAMILY REUNION

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the Maine Veilleux/Vigue Family Reunion which takes place on September 11, 2010 at the St. John Regional Catholic School in Winslow, Maine.

The history of Maine is rich with the stories of Franco-American heritage. As residents of Maine for many generations, the Veilleux and Vigue family history is intertwined with the history of Maine.

In 1658, Nicolas Verieul, the Veilleux/Vigue family patriarch, immigrated to Canada, and in 1665, he and Marguerite Hyardin, his wife, began the Verieul family. Eventually, many Verieul descendents moved to Maine to become integral parts of the seasonal labor workforce in the early 1800's and permanent residents of Maine in the mid to late 1800's.

The Veilleux/Vigue family history is a story of hard work and significant achievement. Many descendents of Nicolas and Marguerite Verieul have founded their own businesses and thrived as entrepreneurs in the State of Maine. Members of the family have been homemakers, service members, doctors and business owners. What marks them all is their dedication to family, community and hard work.

With their family reunion, the Veilleux/Vigue family has great cause for celebration. For generations, their pioneering family has prospered in Maine and helped make our state a better place. This occasion is a chance to honor the past generations for their sacrifices to give their children a better life today and look ahead to the bright future of the Veilleux/Vigue family.

Madam Speaker, please join me in honoring the hard work, dedication and accomplishments of the Veilleux/Vigue family for their reunion September 11, 2010.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. HELLER. Madam Speaker, on rollcall No. 474, had I been present, I would have voted "yea."

SURFACE TRANSPORTATION EARMARK RESCISSION, SAVINGS AND ACCOUNTABILITY ACT

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the Surface Transportation Earmark Rescission, Savings and Accountability Act, and commend my colleague Rep. Betsy Markey for bringing this legislation to the floor today.

Consistent with the Democratic majority's commitment to budget discipline, this bill rescinds unobligated funding for 309 earmarks contained in previous surface transportation authorizations, saving taxpayers $713 million. While some only like to talk about fiscal responsibility, we are actually delivering it, scrutinizing the budget line by line to find savings for the American taxpayer.

Mr. Speaker, this is good government legislation. It's common sense legislation. It's what our constituents expect of us. And it's part of the Democratic agenda to bring real and responsible budget discipline back to Washington, DC.

I urge a "yes" vote.

THE THIRD ANNIVERSARY OF HOUSE RESOLUTION 121

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SOMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to recognize the Korean American Voters' Council for their continued commitment to the advancement of the Korean American community and to remind my colleagues about House Resolution 121, the ''comfort women'' resolution which was passed by the U.S. House of Representatives on July 30, 2007.

The Korean American Voters' Council was a strong advocate and key initiator in educating members of Congress on the ''comfort women'' issue three years ago when House Resolution 121 was passed. The Korean American Voters' Council is a grassroots nonprofit organization built up of volunteers who work on constituency development, civic participation, voting rights advocacy, and community education within Korean American communities across the country.

Friday, July 30, 2010, will mark the third anniversary of the passing of House Resolution 121. House Resolution 121 calls upon the Government of Japan to make an official and unequivocal apology, taking responsibility for the Japanese Imperial Armed Force's role in enslaving over 200,000 girls and women of Asia as ''comfort women'' before and during World War II.

House Resolution 121 was sponsored by my distinguished colleague, Representative MICHAEL M. HONDA, and it was my privilege to serve as a co-sponsor of this bill and to hold the first hearing ever held in the U.S. Congress on this sensitive subject. The hearing was held before the House Foreign Affairs' Subcommittee on Asia, the Pacific and the Global Environment on February 15, 2007 and paid tribute to those who suffered while acknowledging the past contributions of those Members of Congress like former Chairman Henry Hyde of the House Foreign Affairs Committee and also the late Congressman Lane Evans who also championed this cause.

It has been three years since passage and the resolution clearly expressed a need for a formal acknowledgement and apology by the Government of Japan, through the Prime Minister to the victims of this atrocity. The Government of Japan has had multiple changes in the Prime Minister position and not one has formally acknowledged and apologized for this human rights violation. The victims are running out of time for this apology, as most of them are elderly, and the time is now for the Government of Japan to formally apologize for their past mistake.

I strongly urge the Government of Japan to formally acknowledge and apologize in order to begin the reconciliation process and to create better relationships in the future. Japan cannot move forward by erasing the past and it is of the utmost importance that Japan follows through on House Resolution 121.

BIRTHDAY GREETINGS TO REVEREND EARLINE MCGREGOR

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. PAUL. Madam Speaker, on August 13 a birthday dinner will be held for Reverend Earline McGregor of Kendleton, Texas, to celebrate his eighty-fifth birthday and thank him for his years of community service. It is my pleasure to join the people of Kendleton in wishing Reverend McGregor a happy birthday and thanking him for all he has done for his community, his state, and his country.

Earline McGregor was born on August 26, 1926 in Brenham, Texas. He spent over a year in the army in World War II. After receiving an honorable discharge from the Army, Earline McGregor decided to continue to serve his country by joining the Air Force. After twenty years of distinguished service in the Air Force, he retired with an honorable discharge in 1971.

Since leaving the military, Reverend McGregor has worked as a Metro Bus Driver in Austin and also owned his own landscaping business. Today, Reverend McGregor serves his community by working as an associate minister and Sunday school teacher at Oak Hill Missionary Baptist Church in Kendleton, Fort Bend County, Texas under the leadership of Pastor Pleas Mayfield Sr.

Madam Speaker the parishioners of Oak Hill Missionary Baptist Church, and the entire Kendledon community, are fortunate to have the services of someone as dedicated to public service as Reverend McGregor. It is therefore a pleasure to once again join the people of Kendleton in wishing a very happy birthday to Reverend Earline McGregor.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. JOHNSON of Illinois. Madam Speaker, Monday July 26th, I was unable to cast my votes on H.R. 1320, H. Res. 1504, and H.R. 3101 and wish the record to reflect my intentions had I been able to vote. Last night I was conducting a town hall meeting at the Mahomet Village Hall in Mahomet, Illinois and was unable to travel to Washington, DC in time for the votes.

Had I been present on rollcall No. 467 on suspending the rules and passing H.R. 1320, To amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes, I would have voted ''nay.''

Had I been present on rollcall No. 468 on suspending the rules and passing H. Res. 1504, Recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990, I would have voted ''aye.''

Had I been present on rollcall No. 469 on suspending the rules and passing H.R. 3101, Twenty-First Century Communications and Video Accessibility Act, I would have voted ''aye.''

HONORING FIRE CHIEF POSEY W. DILLON AND VOLUNTEER FIREFIGHTER WILLIAM DANIEL ALTICE

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. PERRIELLO. Madam Speaker, it is with a heavy heart that I rise today to honor two brave firefighters from Rocky Mount, Virginia, who passed away on July 26, 2010.

Earlier this week, Fire Chief Posey W. Dillon and volunteer firefighter William Daniel (Danny) Altice were tragically killed in a fatal traffic accident while responding to a house fire in Rocky Mount, Virginia. While we mourn this heartbreaking event, we are reminded of the risk our first responders assume every day to protect us all. Throughout Franklin County and the 5th District, we are in mourning over the passing of these two courageous men, who committed themselves to the service of others.

Fire Chief Dillon was a man of remarkable faith, who strove to serve his community throughout his life. From 1980 to 2000, he served on the Rocky Mount Town Council, including 8 years as Vice Mayor. In 2006, he was reappointed to the Town Council and reassumed his position as Vice Mayor two years later. Additionally, he spent 33 years with the Rocky Mount Volunteer Fire Department. During this time, he rose up through the ranks, becoming Chief in 1990, a position he would hold for 20 years. His vision and leadership throughout his 30 years of civic involvement helped shape the town of Rocky Mount and his legacy will continue long after his passing.

Danny Altice began as a volunteer firefighter at the age of 20 and served the Rocky Mount community for over 47 years. During his distinguished career, he spent seven years as Fire Chief from 1977 to 1984, and was awarded the 2008 Lifetime Achievement Service Recognition Award by the Rocky Mount Volunteer Fire Department. He helped teach younger members of the department how to handle difficult situations and could always be counted on for his leadership through challenging circumstances. In becoming a firefighter, he followed in the footsteps of his father, who was a founding member of the Rocky Mount volunteer force. His legacy will be carried on by his brother, who serves as a firefighter in Rocky Mount, as well as his son, who serves in Boones Mill.

My heart and prayers go out to the families of our fallen heroes and to the entire Rocky Mount community, which has lost two of its finest. In remembrance of their sacrifice, I have requested that two flags be flown over the United States Capitol and then presented to their loved ones. On behalf of Virginia's 5th District, I honor the passing of these heroes, and ask that their legacies be remembered for years to come.

INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2010

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of H.R. 725, the Indian Arts and Crafts Amendments Act of 2010, and specifically the tribal law and order provisions now included.

The federal government has a unique trust relationship with the 564 sovereign tribal nations in the United States, and it is part of this trust responsibility for the federal government to provide law enforcement in Indian Country. The United States is not meeting its obligation. There are not enough law enforcement officers patrolling reservations, and the statistics illustrate the consequences. American Indians and Alaska Natives suffer from the highest crime rates in the nation. Federal law enforcement failed to prosecute more than half of the violent crimes in Indian Country, including sexual assault cases. This is especially troubling because the U.S. Justice Department found that one in three Native women will be raped in her lifetime.

That is why I urge my colleagues to support this bill and the tribal law and order provisions within it. This legislation improves law enforcement on tribal land by encouraging the prosecution of more crime, by increasing penalties for reservation offenders and by establishing protocols to address sexual violence. It encourages coordination between federal agencies, law enforcement officials and tribal communities for investigation and prosecution purposes. Under this act, tribal courts would be able to sentence offenders up to three years; currently, they can only sentence for up to one year. These changes are desperately needed.

This bill is a positive step towards meeting our trust responsibility and protecting Indian Country. As a member of the Congressional Native American Caucus, I urge my colleagues to support H.R. 725.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. SMITH of Washington. Madam Speaker, on Monday, July 26, 2010, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on rollcall vote No. 467 (on the motion to suspend the rules and pass H.R. 1320, as amended), "yes" on rollcall vote No. 468 (on the motion to suspend the rules and agree to H. Res. 1504, as amended), and "yes" on rollcall vote No. 469 (on the motion to suspend the rules and pass H.R. 3101, as amended).

INTRODUCTION OF H.R. 5817, THE FOSTERING SUCCESS IN EDUCATION ACT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. LEWIS of Georgia. Madam Speaker, I am proud to sponsor the Fostering Success in Education Act. This legislation is the House companion to Senator FRANKEN and Senator MURRAY's bill and lays out a clear road map to assisting young people in the child welfare system.

This legislation continues the efforts of the P.L. 110–351, Fostering Connections Act by improving educational assistance for those most in need—children and youth in the child welfare system. I hope that the Fostering Success in Education Act will enjoy the same bipartisan support and consideration to help these young people who have no one else.

Today, more than half a million children are living in foster care. As a member of the Ways and Means Subcommittee on Income Security and Family Support, I have constantly heard from young people who struggle as they are constantly moved from home to home, and school to school when they are in foster care. Those in the child welfare system have not chosen this life; they did not ask to be victims of neglect and abuse. For a variety of reasons beyond their control, foster care children are uprooted from all that they know and rely on us for help.

We all remember our years in elementary, middle, and high school. We recall our friends, classmates, teachers, extracurricular activities, favorite classes, and hardest subjects. For foster care youth, it's a whirlwind of memories. Names, faces, classes, teachers, grades, and subjects are a blur. Imagine being the new kid, over and over and over again without the support you need. Imagine maneuvering the bureaucracy and politics of different schools and school districts on your own as a 12-year-old, as a 16-year-old, as a 6-year-old. This bill ensures that youth in foster care have school stability, immediate access to tools and resources, and the necessary support for academic success.

Madam Speaker, I believe that each and every young person has a right to a childhood; each has a right to a basic education. I believe that in addition to consistency, friendships, and healthy relationships, education is the key to opportunity, stability, and success. It is a cornerstone of our nation's values of democracy, hope, and infinite possibility.

The Fostering Success in Education Act takes us one step further in the right direction and responds to these all-too-real issues. Madam Speaker, I hope all of my colleagues will support this worthy and important legislative effort.

HONORING BILL LEGERE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to congratulate Bill Legere on being named the Maine Hospital Association's Caregiver of the Year and to recognize his many accomplishments as a medical professional.

After studying health care at the University of Southern Maine, Bill went on to work at Central Maine Medical Center. As a nurse practitioner in the ER at CMMC, he provides medical care and comfort to patients and their families.

When he suddenly and tragically lost his 9–year-old daughter, Grace, two years ago, Bill's response was not to give in to grief. Instead, Bill and his wife launched the Foundation for Hope and Grace, a charity in Grace's memory that provides grants to families looking to adopt and financial help to organizations that help orphans and other children in need.

Bill's ability to set people at ease, his willingness to stay late to support his colleagues and his empathy and selflessness in all aspects of his life meant that this year he was nominated by co-workers for the Caregiver of the Year award. He was selected from among 19 Maine doctors and nurses by the award committee, who was impressed by his outstanding work and humanistic approach to medical care.

An accomplished, compassionate, and deeply humble man, Bill Legere exemplifies the type of caregiver that every hospital and community would be lucky to have. His co-workers related stories of Bill taking the time to reassure a frightened child and being an ally for patients who might otherwise be intimidated by the medical process.

Bill has left a lasting mark on CMMC, its workers, its patients, and their loved ones. On behalf of the people of Maine, it is with pride that I congratulate Bill for his excellent work. I wish him, his wife Teresa, and his daughters Sarah and Deanna the best, especially as Sarah and Deanna become big sisters to their new sisters from Uganda.

Madam Speaker, please join me in honoring Bill Legere for his continued commitment to providing medical care and support to the people of Maine.

NEXT GENERATION PUBLIC SAFETY DEVICE ACT OF 2010

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. HARMAN. Madam Speaker, I rise today to introduce the bipartisan Next Generation Public Safety Device Act of 2010 with my Energy and Commerce colleague Representative JOHN SHIMKUS, Co-Chair of the E-911 Caucus. Our legislation is intended to spur development of 21st Century public safety communication devices that will provide the highest-speed transmission of data, voice, and video services over the Internet.

Almost a decade after 9/11, America's first responders still do not have the communication tools they need to support their mission.

Currently, the public safety device market is a monopoly. There are two reasons for lack of competition: first, this particular market is relatively small, and second, the device requirements are unique. As a result, first responders and local governments can pay up to $5,000 per radio. The money spent on these devices

has not enabled seamless on-the-ground coordination between first responders or the ability to access databanks, fingerprint records, facial recognition software, or streaming video.

To solve the problem, our bill authorizes $70 million for a research and development grant program to build devices that support data, video, and voice communications.

This bill charges the National Telecommunications and Information Agency to coordinate with a working group, consisting of the Federal Communications Commission, the DHS Office of Emergency Communications, the National Institute of Standards and Technology, and public safety stakeholders, to develop criteria, evaluate devices in multiple stages, and select products for funding and licensing. This process will produce devices ready for first responders' use within five years—hopefully sooner. Thereafter, the GAO will study the process by which the program was carried out, the impacts of the grant program on competition in the market and the development of first responder devices. The cost of this program will not add to the deficit because it is offset by extending the authority of the FCC to auction spectrum.

Directed research and development is essential to achieving interoperability because it will drive down cost and develop devices that public safety has a hand in selecting. Equally as important, this bill will accelerate the development of those devices, quickly giving public safety more options with new cost savings to states and localities, and assurance that the technology can be trusted for their important work.

This bill has the support of the Association of Public Safety Communications Officials, which has identified research and development as one of its top priorities. The Fraternal Order of Police and the National Emergency Numbers Association also endorse the bill, as do Sprint and the Rural Cellular Association.

We in Congress must ensure public safety officials have access to a competitive, dynamic, and innovative market for the devices that are used to save lives and help protect our communities.

I hope that this effort will bring technologists, first responders, and government together to create innovative solutions for a major national security concern, and urge prompt action on this legislation.

THE DIRECT CARE WORKFORCE EMPOWERMENT ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, imagine a very tall corporate office building, and a man is working inside sitting at his desk dressed in a suit and tie. He is talking on the phone while working from his computer and sipping a latte.

Now imagine a very small home in a quiet neighborhood, and a woman is working inside, wearing sneakers and comfortable clothes. She is straining to lift up an elderly man almost twice her size trying to help him put on his t-shirt to get ready for lunch.

Is the work the corporate man is doing more important than the home-worker? More valued? Better paid?

I am here to say that all work has dignity.

I am here to say that our nation's laws should respect the work we all do.

Yet, even in America, some workers are paid less than the minimum wage.

Even in America, some are denied overtime pay.

Even in America, some people do not have health insurance or other benefits, and their wages are so low that they need to turn to food stamps to make ends meet.

I am introducing legislation today to show that in America, all work does have dignity.

I am introducing legislation that will say, "Regardless of the work you do, if you do it well, you should be compensated enough to take care of your family and put food on the table."

This legislation is meant to provide equity to those we trust enough to let in our homes and care for our loved ones. Home care workers are the linchpin of our nation's long-term care system, providing essential care and daily living services to more than 13 million Americans.

However, they are among the worst-paying jobs in America—mostly because of Department of Labor regulations that exclude them from federal minimum wage and overtime protections.

In 1975, after Congress had revised the Fair Labor Standards Act to include previously excluded domestic service workers, the Department of Labor issued rules that exempted home care aides from the federal overtime and minimum wage protections.

The Clinton Administration's Department of Labor issued proposed rules to correct this injustice, but the Bush Administration withdrew those proposals.

Secretary of Labor Hilda Solis, tasked with the tough job of trying to fix eight years of neglect and anti-worker policies at the Department of Labor, has committed to remedy this injustice by including it on her regulatory agenda. And I commend those efforts.

But I believe that workers not only need the right regulations, but they also need the right law. I want to make sure that any administration—whether it is this one, or one to come, can never tell any worker they are "less than."

The Direct Care Workforce Empowerment Act would do three things: ensure that home care workers receive the federal minimum wage and overtime protections of the Fair Labor Standards Act; improve federal and state data collection and oversight with respect to the direct care workforce; and establish a grant program to help states improve direct care worker recruitment, retention, and training.

Yesterday, someone asked me why this was so important to me. Home care touches all of us—most of us in this room know someone who has required the assistance of a home care worker.

They help their patients with daily living, enabling them to stay in their homes and maintain independence. As the daughter of a father living with Alzheimer's—I know just how important home care workers are.

Yet, every year, home care aides land on Forbes magazine's list of the "25 worst-paying jobs in America." The mean annual wages put them behind parking lot attendants.

Once hired, they leave in droves; turnover rates run 50 to 80 percent a year.

Rights earned decades ago by similar workers continue to be denied to these hard-working healthcare providers. Yet, even healthcare reform signed into law this year failed to protect these workers, even though their jobs directly relate to quality of care.

People with disabilities, seniors, and anyone needing home care on a permanent or temporary basis deserves caring, decently trained, and well-paid workers caring for them.

Direct-care workers constitute one of the largest and fastest-growing workforces in the country, playing a vital role in job creation and economic growth, particularly in low-income communities.

These workers help their clients bathe, dress, eat, and negotiate a host of other daily tasks. They are a lifeline for those they serve, as well as for families struggling to provide quality care.

If labor conditions are not improved, the demand for more workers may prove difficult to meet and the quality of care may decline. Those who work in the industry will become less and less able to meet basic living expenses for themselves and their families.

Let's make things right for workers—no matter whether they sit behind a desk or care for someone in a home.

Our working Americans—care givers and care receivers—deserve this.

RECOGNIZING THE FREIGHT RAILROAD INDUSTRY

SPEECH OF

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H. Res. 1401, expressing gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently, and for other purposes. I must commend and thank Congresswoman MCCARTHY for her leadership on this legislation and her dedication to recognizing the brave work of air traffic controllers.

Just last week, a plane taking off from my home state of Georgia was forced to make an emergency landing at Hartsfield-Jackson International Airport after a tire blew during takeoff. The plane circled the skies for several hours and with the help of air traffic controllers on the ground, the plane was able to land safely. No one was injured, and the passengers were routed to another flight.

This example is just one of many describing the crucial job of air traffic controllers, a group that might remain unrecognized were it not for this resolution. Everyday air traffic controllers work to keep the traveling public safe and U.S. airspace running efficiently. They execute their job with the highest level of efficiency and maintain a calm and professional manner despite the stressful circumstances they may encounter.

H. Res. 1401 serves as a small thank you and acknowledgement to air traffic controllers for their often heroic actions, dedication, and quick and skilled decision making to help avert many accidents and tragedies. Additionally, the resolution serves as an opportunity to encourage greater investment in the modernization of the air traffic control system so that

they have the resources and technology to better carry out their mission.

Mr. Speaker I urge my colleagues to support this legislation. It serves as an opportunity to give air traffic controllers the acknowledgement they so deserve and encourage them to keep our skies safe for all.

NINA ARCHABAL'S 23 YEARS OF SERVICE TO MINNESOTA AS THE DIRECTOR OF THE MINNESOTA HISTORICAL SOCIETY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. McCOLLUM. Madam Speaker, I rise today in recognition of Nina Archabal for her 33 years of service to the Minnesota Historical Society, including 23 years of service as the Director

The Minnesota Historical Society is a private nonprofit organization that was founded in 1849 to preserve the history of the State of Minnesota, while providing educational and cultural learning opportunities. Today, the society operates 26 historic sites and museums throughout the state of Minnesota.

Ms. Archabal began her distinguished career with the Minnesota Historical Society in 1977. In 1987, Archabal became the Historical Society's 10th Director after serving nine years as deputy director.

While at the helm of the Historical Society, Archabal oversaw several major projects including the construction of the Minnesota Historical Society Center in Saint Paul, the Mille Lacs Indian Museum in Onamaia and the Mill City Museum in Minneapolis. These projects have helped to preserve and protect Minnesota's past and tell Minnesota's story. Visitors to Historical Society sites learn about our past through unique and engaging exhibits, including ''living history'' demonstrations like the beloved celebration of the holidays at the Saint Paul home of Minnesota's first territorial governor, Alexander Ramsey, where visitors experience Christmas 1875 by meeting ''members'' of the Ramsey family, sampling fresh cookies from the wood-burning stove. These unique traditions make history accessible and understandable to young and old alike.

Throughout her career, Nina Archabal has demonstrated strength of character, hard work, dedication and perseverance that has made the Minnesota Historical Society a national model for historic preservation and interpretation. I value her service and commitment, which will be felt by generations of Minnesotans in the future.

Madam Speaker, please join me in congratulating Nina Archabal for her 23 years of service for the state of Minnesota. It is my honor to submit this statement.

SOCIAL SECURITY'S 75TH ANNIVERSARY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. WAXMAN. Madam Speaker, I rise today to commemorate the 75th anniversary of the Social Security program. Social Security has been one of the most popular and successful government programs in our nation's history. It is a social compact that extends across all generations and all income groups. More than 95 percent of American workers pay into the system and without it, more than half of today's seniors would live below the poverty line. In addition to lifting millions of elderly Americans out of poverty, Social Security provides vital social insurance to countless disabled workers and survivor benefits for dependent spouses and families. Because so many people depend upon the Social Security benefits they have earned over a lifetime of work, any changes in the current system must be reviewed very carefully. Any effort to change the Social Security system should be bipartisan, reflect broad public support and continue to ensure a guaranteed benefit with annual cost-of-living adjustments. I will continue to work with my colleagues to preserve and strengthen the current Social Security program and to oppose any plan that would violate our nation's compact with retirees.

RECOGNIZING PASTOR SHAWN BLACK

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. CAMPBELL. Madam Speaker, I rise today to recognize a constituent of mine, Pastor Shawn Black of Calvary Chapel in Costa Mesa, California. Pastor Black served as our guest Chaplain this morning. Eight years ago, he founded Project Prayer Flag, a non-profit organization which has supported over 700,000 American military personnel by providing care packages and support for troops' families. Pastor Black himself volunteered for military service at age 17, and in addition to his ministry, has spent over twenty years in law enforcement, including a stint as a Federal Air Marshal from 2002–2005. I would like to thank him for opening this session of Congress today in prayer, as well as for his many years of dedicated service to our country.

TRIBUTE TO NICK DANIEL BACON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. BERRY. Madam Speaker, I rise today to pay tribute to the life of a Medal of Honor recipient, a committed advocate of veterans' rights, and a true American hero. On July 17th, 2010 Nick ''Nicky'' Bacon passed away at the age of 64 after a hard-fought battle with cancer. He lived a life of service to our nation's military, our country and our state.

Nick Bacon served in the United States Army from 1963 to 1984; in his service he displayed a love of country and faithful service to his fellow soldiers. While serving, he risked his life and led two platoons forward through heavy enemy fire to save men pinned down on the battlefield. It was for this act of selfless valor and courage under fire that Nick Bacon earned the Congressional Medal of Honor. In his long and dedicated career he was also awarded the Distinguished Service Cross, Legion of Merit, two Bronze Stars, and Purple Heart.

Following his service in the Army, Nick Bacon served his fellow veterans and his state as Director of the Arkansas Department of Veterans Affairs and President of the Medal of Honor Society. He had steadfast support for the veterans of Arkansas and was instrumental in the creation of the Arkansas State Veterans Cemetery and the Arkansas State Veterans Cemetery Beautification Foundation.

I wish First Sergeant Bacon's family the deepest condolences for their loss. Nick Bacon conducted his life in a selfless, dedicated manner that we all should aspire to; his service and sacrifice will not soon be forgotten in his state or by his fellow soldiers. I ask today of my fellow colleagues that we stand and honor the legacy of First Sergeant Nick Bacon.

HONORING MR. SHEPARD ''SHEP'' LEE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to commemorate the accomplishments and life of Shepard ''Shep'' Lee, who passed away on June 23rd of this year.

Shep was a well-known entrepreneur and philanthropist within the state of Maine. After taking over his father's local automobile dealership in 1947, he eventually expanded the business to encompass thirteen locations throughout Maine. He was a true pioneer in his field and was never afraid to take a risk to help the business community. He was the first local car dealer to use television ads in the 1960s and employ a board of directors. He was a tireless advocate of economic development in Maine, even offering advice to competitors.

In addition, Shep is remembered for his contributions to the greater community. A graduate of Bowdoin College, he championed educational progress, donating generous amounts to both Bowdoin and Bates Colleges and the George Mitchell Scholarship fund. He sat on the law and business school boards of the University of Southern Maine, the board of the Muskie School of Public Service and the Maine Community College Board.

His life-long commitment to gender equality and civil rights was also remarkable. He was an active member of the Maine branch of the NAACP and served on the board of the American Civil Liberties Union, later receiving the Roger Baldwin Award, the ACLU's higher honor. Shep supported gay rights legislation well before the passage of Maine's non-discrimination law.

An advisor, friend and tireless fund-raiser for Senator George Mitchell, the late Justice Frank Coffin and the late Edmund Muskie, Shep's political activism was notable both locally and nationally. He is fondly remembered by his friends, family and colleagues, and his contributions to the State of Maine will not soon be forgotten.

Madam Speaker, please join me in honoring Shepard Lee for his life of dedication and service to his community and his country.

H.R. 5892, THE WATER RESOURCES DEVELOPMENT ACT OF 2010

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. OBERSTAR. Madam Speaker, together with Subcommittee on Water Resources and Environment Chairwoman EDDIE BERNICE JOHNSON, I rise today to introduce H.R. 5892, the ''Water Resources Development Act of 2010''. This legislation continues the longstanding tradition of the Committee on Transportation and Infrastructure to address the critical infrastructure needs of the Nation, including its water-related infrastructure.

The Committee on Transportation and Infrastructure is second to none in terms of authorizing investment in our Nation's vital infrastructure projects. Whether the issue is investment in our Nation's wastewater infrastructure, investment in our nation's highways and public transit, or investment in our nation's water-related infrastructure, this Committee is committed to investment in our Nation's infrastructure, to create well-paid jobs that cannot be outsourced, and to ensure the economic and environmental health and well-being of this Nation for decades to come.

Every day, we see and hear of the Nation's crumbling infrastructure, and, on a bipartisan basis, are moving an agenda to repair and replace existing assets, and to plan for the next generation of highways, bridges, transit systems, airports, water transportation, and water-related infrastructure.

Last year, in an effort to stave off the worst impacts of the economic downturn, Congress passed the American Recovery and Reinvestment Act of 2009, Pub. L. 111–5. The Recovery Act has already played a key role in putting Americans back to work. The Recovery Act enabled communities to invest in safe and reliable modes of transportation, invest in our Nation's economy and environment, and ensure that the next generation will be provided with the same opportunities that were provided to us by our predecessors.

Yesterday, our Committee held its 20th oversight hearing on the implementation of the Recovery Act, and heard testimony that, as of July 2009, 17,024 highway, transit, and wastewater infrastructure projects have broken ground across the nation, totaling $32.7 billion—that is 86 percent of the total available formula funds. Within this total, work has been completed on 6,920 projects, totaling $5.3 billion. Many of the projects built with these Recovery Act funds were originally considered and authorized by this Committee, including projects and studies authorized in prior water resources development acts.

Under the Recovery Act's appropriation of $4.6 billion for the U.S. Army Corps of Engineers, Corps, the agency has committed $3.9 billion for 793 projects, or 85 percent of its total allotment. These investments have enabled the Corps to repair or improve 155 lock chambers, and maintain or improve harbors and waterways that serve over 2,400 commercial ports. In addition, through the Recovery Act, the Corps has initiated 1,132 flood risk management projects to improve dam or levee safety, and 1,034 projects to maintain or upgrade recreation areas.

The basis for these types of investments is the water resources development act. For decades, the Committee on Transportation and Infrastructure has strived to enact a water resources development act every Congress. Since at least 1986, this Committee has been successful in reporting legislation, every Congress, to meet the water-related infrastructure needs of the Nation. While these efforts were not always successful in moving a bill to the President's desk for his consideration, the tradition of our Committee, under both Democratic and Republican majorities, is to address the critical needs of the Nation in a timely and regular manner.

Following the successful enactment of the Water Resources Development Act of 2007, Pub. L. 110–114, the current Democratic and Republican leadership of the Committee on Transportation and Infrastructure renewed our committed to enactment of a water resources development act in every Congress. Through a water resources bill, Congress authorizes critical navigation, flood damage reduction, and environmental restoration projects and studies carried out by the Corps. Throughout its history, these water resources development acts have provided the Corps with the authority to carry out nationally significant projects that have improved the economic prosperity of the nation, have protected its citizenry from the threat of flooding and coastal storms, and have put in place restoration efforts for many of America's natural treasures. In the Water Resources Development Act of 2007, Congress authorized major navigation projects along the coasts of the United States, and throughout its interior, authorized projects for the long-term recovery and restoration of coastal Louisiana from the effects of Hurricanes Katrina and Rita, and authorized the first critical projects for the restoration of the Florida Everglades.

Today, the Corps maintains more than 11,000 miles of channels for commercial navigation and operates locks at 230 sites. One-half of all locks are more than 50 years old. The Corps also maintains 300 deep commercial harbors and 600 shallow coastal and inland harbors. There are 75 hydropower plants at Corps facilities producing one-fourth of the Nation's hydroelectric power. To address flood risks, the Corps manages 383 major lakes and reservoirs, and 8,500 miles of levees. The Corps estimates that, on average, its civil works projects prevent $20 billion in flood damages ever year.

The enactment of water resources development acts has a unique history, in which Congress authorizes each individual project. Since the first authorizations for these projects in the earliest days of our Nation, Congress has always provided line-item authorizations for each project. Congress has never authorized a blank check to the Corps to enable it to invest wherever it chooses.

Given this unique history, and in the interest of transparency and accountability, the Committee on Transportation and Infrastructure charted a new chapter for project authorizations at the outset of the 110th Congress. We adopted a policy requiring each project authorization in the Water Resources Development Act of 2007 to be requested by a Member of Congress and accompanied by a ''no financial interest'' certification signed by the requesting Member.

Every project authorization included in the Water Resources Development Act of 2007 was specifically requested by a Member of Congress, either in the House of Representatives or the United States Senate, and each request of a Member of the House was accompanied by a certification from the Member that neither he nor she nor his or her spouse had a financial interest in the project. This information was made publicly available through the Committee report, the CONGRESSIONAL RECORD, and in the Joint Explanatory Statement of the Conference Report prior to consideration of the legislation in the House of Representatives.

That transparency and accountability principle continues to be the policy of the Committee on Transportation and Infrastructure in the formulation of H.R. 5892, the ''Water Resources Development Act of 2010.'' In December 2009, the Committee received more than 2,000 individual requests from both Democratic and Republican Members for projects and studies to be included in the water resources development bill. Although this bill includes only a small percentage of those requests, the legislation introduced today represents progress in meeting the next generation of critical navigation, flood damage reduction, and environmental restoration projects for our Nation.

In addition, with the introduction of this legislation, the Committee on Transportation and Infrastructure has instituted an additional measure of transparency and accountability by requiring that all project and study requests included in the introduced bill be publicly disclosed and made electronically-available on the Internet, along with a copy of the individual certifications from Members of Congress stating that neither the Member nor his or her spouse has a financial interest in the project, and a copy of a letter from the State or local government expressing support for the project.

A summary of H.R. 5892, the ''Water Resources Development Act of 2010'', is included with my statement.

H.R. THE ''WATER RESOURCES DEVELOPMENT ACT OF 2010''

IN GENERAL

Reaffirms the continuing commitment of the Committee on Transportation and Infrastructure to the nation's water resources infrastructure, and a regular authorization schedule for the Civil Works Program of the Army Corps of Engineers to address new and emerging water resources needs, and to fine-tune the Corps' missions and responsibilities.

Authorizes three projects with Chief of Engineer's reports relating to hurricane and storm damage reduction, and ecosystem restoration.

Includes technical changes to the Corps' programmatic authorities, including: clarifying the intent of Congress related to the Corps' crediting authority; increasing the transparency of independent reviews; and improving the effectiveness of mitigation that addresses impacts from Corps' projects on the natural environment.

Establishes a policy for increased expenditures from the Harbor Maintenance Trust Fund to ensure that annual revenues collected are utilized to meet the nation's navigation maintenance dredging needs.

Authorizes the Corps of Engineers to work with local communities in the assessment and evaluation of local flood control structures, including levees.

NAVIGATION AND COMMERCE

Authorizes four small projects for navigation.

Authorized additional Federal funding for the upgrade of the St. Lawrence Seaway.

FLOOD DAMAGE REDUCTION

Authorizes 29 small flood damage reduction projects.

HURRICANE AND STORM DAMAGE REDUCTION AND SHORE PROTECTION

Authorizes the project Mississippi Coastal Improvements Program, Hancock, Harrison, and Jackson Counties, Mississippi.

Authorizes the project West Onslow Beach and New River Inlet (Topsail Beach), Pender County, North Carolina.

Authorizes ten smaller projects for shoreline and streambank protection.

ENVIRONMENTAL RESTORATION AND PROTECTION

Authorizes the project for Mid-Chesapeake Bay Island Ecosystem Restoration Project, Chesapeake Bay.

Authorizes 31 smaller projects for aquatic ecosystem restoration and increases the per-project limit for small aquatic ecosystem restoration projects and small project modifications for improvement of the environment to $10 million.

Authorizes the Corps of Engineers to upgrade the initial electrical barrier and implement additional barriers in and around the Chicago Sanitary and Ship Canal to enhance efforts in keeping the Asian Carp from entering the Great Lakes.

Directs the Secretary to study the potential for hydrologic separation of the Mississippi River basin system and the Great Lakes basin at the Chicago Sanitary and Ship Canal. Directs the Corps to develop a comprehensive plan for restoration of the Chesapeake Bay, in coordination with other Federal agencies and consistent with the Chesapeake Bay Agreement.

Directs the Corps to develop a comprehensive plan for carrying out ecosystem restoration projects within the coastal waters of the Northeastern United States.

STUDY AUTHORITY

Authorizes the Secretary to undertake more than 160 studies for potential future water resource projects, including potential projects for navigation, flood damage reduction, hurricane and storm damage reduction, environmental restoration, and water supply.

WATERSHED PLANNING

Increases the opportunities for the Corps to facilitate watershed planning and carry out watershed and river basin assessments.

Authorizes the Corps of Engineers to undertake a comprehensive water supply and allocation study for the State of Georgia.

CONGRATULATING ROGERS-LOWELL CHAMBER FOR RECEIVING FIVE-STAR U.S. ACCREDITATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to recognize the Rogers-Lowell Area Chamber of Commerce for receiving a five-star accreditation from the U.S. Chamber of Commerce. There are 66 chambers in the country to hold this honor and it is the only chamber in Arkansas to earn this recognition, the U.S. Chamber's highest accreditation.

The chamber goes through accreditation every five years. This measures achievement and shows how to reach and maintain industry standards. Accreditation also provides a path to building effective chambers and helps chambers effectively fight for business. The chamber received a perfect score on five of the nine sections of the review.

The Rogers-Lowell chamber received this award five years ago and is a great example for the state and the country. This honor truly reflects the chamber's enthusiasm and dedication to working on behalf of the Arkansas business community.

This is an honor in which few receive. I am very proud of the Rogers-Lowell Area Chamber for this accomplishment. I am confident the good work will continue and I look forward to celebrating and recognizing its future successes.

HONORING THE WILLIAM LADD CHAPTER OF VETERANS FOR PEACE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the William Ladd Chapter of Veterans for Peace for their 25 years of commitment to the cause of world peace.

Veterans for Peace was founded in 1985 and is comprised of veterans from all across the country. It includes men and women veterans of all eras and duty stations spanning the Spanish Civil War, World War II, the Korean, Vietnam, Gulf and current Iraq wars as well as other conflicts.

The founding and success of the Maine chapter of Veterans for Peace is a story of humanitarianism and cooperation based on collective experience. Twenty five years ago, several Maine Vietnam veterans drew up the organizational documents for what today has become a leading voice for peace in the Nation.

For 25 years, Maine Veterans for Peace have used their unique perspective as veterans to work toward increasing public awareness of the costs of war. They are a constant reminder that non-violent means of problem solving are not just possible, but necessary. They have tirelessly worked to restrain the government from intervening, overtly and covertly, in the internal affairs of other nations, to end the arms race and to reduce and eventually eliminate nuclear weapons, to seek justice for veterans and victims of war and to abolish war as an instrument of national policy. To achieve these goals, members of Veterans for Peace use non-violent means and maintain an organization that is both democratic and open.

With their 25th anniversary, the William Ladd Chapter of Maine Veterans for Peace has great cause for celebration. Their successful work and meaningful contributions to the State, the Nation and the world are immeasurable.

Madam Speaker, please join me in honoring the William Ladd Chapter of Veterans for Peace for their outstanding work to change and bring peace to the world.

CONDEMNING TERRORIST ATTACKS IN KAMPALA, UGANDA

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. CASTLE. Mr. Speaker, I rise today in support of H. Res. 1538, condemning the July 11 terrorist attacks in Uganda, which claimed over 70 lives, including an American citizen, and Delawarean, Nate Henn.

Nate was in Uganda working as a volunteer for Invisible Children, a group dedicated to ending the practice of child soldiers in war. Nate left University of Delaware in 2008 and had been working with Invisible Children ever since. The tribes he worked with nicknamed him "Oteka," which means "The Strong One" and from all the accounts of his work that I have read, he was more than deserving of that name.

This coordinated terrorist attack was both brutal and targeted, taking place in areas of Kampala where many Ugandans and others gathered to watch the World Cup games. This resolution rightfully calls on the administration to work with the international community to address the security threat emanating from Somali, particularly the al Shabaab terrorist network, which claimed responsibility for these vicious attacks. I am hopeful that we can work together with the international community to eliminate extremism and promote stability and peace in Somalia, and throughout the region.

As a cosponsor of H. Res. 1538, I strongly support this measure and urge my colleagues to join me in condemning the July 11 terrorist attacks and honoring the victims, particularly Nate Henn.

PASSAGE OF NATIONAL CRIMINAL JUSTICE COMMISSION

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. FUDGE. Madam Speaker, the House's endorsement of the National Criminal Justice Commission is a major victory as the bill moves towards final passage. My constituents believe a thorough examination of America's criminal system is needed, and I agree.

Our Nation has approximately 5 percent of the world's population, but roughly 25 percent of the world's prison population. About 1 of every 45 adults is currently behind bars, which is five times the world's average incarceration rate. These rates indicate inconsistencies and flaws within our judicial system. This must change.

African Americans are far more likely to be incarcerated for drug offenses than other groups. We represent only 12 percent of the U.S. population, but 74 percent of America's drug offenders who have been sentenced to prison. This must change.

If we fail to implement effective reform, our Nation will continue to spend more on prisons while depleting already financially stressed State budgets. As significantly, we will not make our communities safer or reduce high recidivism rates.

I look forward to the day we receive the Commission's report. Then we can begin the crucial task of reforming and improving America's ailing criminal justice system.

RECOGNIZING 20TH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. RAHALL. Mr. Speaker, I rise today in honor of the 20th Anniversary of the enactment of the Americans with Disabilities Act of 1990, which I deem to be one of the greatest civil rights laws ever passed by our Congress.

Since the establishment of the Americans with Disabilities Act, more than 50 million Americans are able to more wholly enjoy their lives, thanks to the ongoing elimination of barriers on employment, public services, transportation, telecommunications and public accommodations.

Prior to the passage of this Act, our disabled American citizens—wounded warrior veterans, men, women and children—faced higher rates of poverty, lower graduation rates, significantly lower unemployment rates and were too often denied their right to fully participate in society.

This Act made vital changes, prohibiting discriminating against qualified individuals with disabilities in the workplace; requiring state and local government entities to accommodate qualified individuals with disabilities; providing better access to many modes of public transportation; and requiring places of public accommodation to make their goods and services easily accessible to the disabled.

While many great changes have been instituted since the passage of this act, there is still a lot of work to be done. In a nation as great as ours, it is a stunning reality that our disabled grandparents and parents, sons and daughters, and the wounded warriors who have so bravely served around the globe to preserve democracy and promote freedom, continue to struggle with inequalities that do not have to exist.

I'm putting the Wounded Warrior Fellowship Program to work in our area to provide an employment opportunity for a wounded or disabled veteran living in southern West Virginia. There are 170,783 veterans in West Virginia—51,500 in our Congressional District alone—and that number is growing exponentially every day. These brave men and women returning from Iraq and Afghanistan face a 21 percent unemployment rate; add to that fact, the vulnerable position as a wounded or disabled soldier, and we know the challenges to secure a good paying job grow tremendously.

It is our duty as leaders to support each and every one of our disabled Americans. While I salute this historic piece of legislation, I continue to work on a bipartisan basis, to help identify and address the remaining barriers against the disabled, which truly undermine America's goals and the ideals upon which our great country was founded.

PERSONAL EXPLANATION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. PAYNE. Madam Speaker, unfortunately, on July 27, 2010 I was delayed during the vote on the adoption of H. Con. Res. 301, the Pakistan War Powers Resolution.

However, if I had been present, I would have voted "yes" on H. Con. Res. 301.

HONORING THE BOY SCOUTS OF AMERICA'S CENTENNIAL ANNIVERSARY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the Centennial Anniversary of the Boy Scouts of America. For the past 100 years, the Boy Scouts of America have worked tirelessly to provide an educational program for boys and young adults to build character, to train in the responsibilities of participating citizenship, and to develop personal fitness.

William Boyce founded the Boy Scouts of America on February 8, 1910 using, as a model, the British system of Scouting created by General Robert Baden-Powell in 1907. In 1916, the organization was granted a Congressional Charter, and as the organization grew, it served more and more young men, teaching them to live by the Scout Law. Since its inception, over 110 million Americans have been members of the Boy Scouts of America.

I am proud to say that my life has been strengthened through scouting. As a young man, I was a member of Troop 201 in Mobile, Alabama. It was while earning my merit badges in Citizenship in the home, community, and the Nation that my interest in our great political process was ignited. From my experience as an Eagle Scout, I know the time, effort, and thorough dedication the Boy Scouts instilled in me, to be a better person, and to serve God and the greater good of our country.

For a full century, boys and men have gathered and declared: "On my honor I will do my best to do my duty to God and my country and to obey the Scout Law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight." And for a full century, we have constantly remained Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent. Our future leaders are cultivated through a combination of educational and fun activities, instilling lifelong values. Through various programs, the Boy Scouts of America strive to create a more conscientious, responsible, and productive society, and they have succeeded now for 100 years.

The distinguished products of scouting can be found among my colleagues. Of the 111th Congress, 211 members have participated with the Boy Scouts of America, either as a youth member, an Eagle Scout, an adult volunteer, or some combination of the three. Personally, I take great store in what I learned as a Boy Scout and Eagle Scout. The experience has been a great influence on both my personal life and my work in Congress. I am especially honored to have received the Distinguished Eagle Scout Award, and I also am honored to have been a part of Alvin Townley's book, "Legacy of Honor: The Values and Influence of America's Eagle Scouts."

Madam Speaker, we should all be inspired by the Boy Scouts of America and we should all be motivated to incorporate their goals into our daily lives. As the Boy Scout slogan says, we should all "do a good turn daily." For the past 100 years, the Boy Scouts of America have lived this ideal, and our country is a better place due to their actions. On this day, I extend my sincerest congratulations to the Boy Scouts and join them in celebrating their Centennial Anniversary, and I pray that God will grant them one hundred more!

RECOGNIZING 20TH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT

SPEECH OF

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. McINTYRE. Mr. Speaker, it is my great pleasure to rise today in honor of the 20th anniversary of the Americans with Disabilities Act. On July 26, 1990, thousands gathered on the South Lawn of the White House as former President George H.W. Bush signed into law legislation that would provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. This moment changed the lives of so many Americans, and I rise today to recognize the overwhelming importance of this law.

Over the past 20 years, this law has allowed Americans with disabilities to have access to educational opportunities, employment, transportation, buildings, and community affairs that once presented insurmountable obstacles.

In June of 2008, it was my honor to advance the cause of this legislation even further by voting in favor of the Americans with Disabilities Amendments Act, legislation which provides Americans with disabilities an even broader scope of freedom and protection. And today, it is my honor yet again to support a House Resolution recognizing and honoring this 20th anniversary of the original Act.

Mr. Speaker, this law has improved the lives of millions of Americans with disabilities. But while we celebrate the freedom and opportunities provided by the ADA, we must also recognize that there is more work to be done. We should help all Americans, regardless of their physical or mental abilities. I am committed to continuing this work, and I look forward to working with my colleagues to ensure all people can reach their full potential.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 29, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 3

9:30 a.m.
Armed Services
To hold hearings to examine the report of the Quadrennial Defense Review Independent Panel.
SD–G50

10 a.m.
Budget
To hold hearings to examine a status report on the United States economy.
SD–608

Environment and Public Works
Children's Health Subcommittee
To hold hearings to examine the state of research on potential environmental health factors with autism and related neurodevelopment disorders.
SD–406

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine protecting public interest, focusing on understanding the threat of agency capture.
SD–226

2:15 p.m.
Foreign Relations
Business meeting to consider the nominations of Peter Michael McKinley, of Virginia, to be Ambassador to the Republic of Colombia, Rose M. Likins, of Virginia, to be Ambassador to the Republic of Peru, Christopher W. Murray, of New York, to be Ambassador to the Republic of the Congo, Mark Charles Storella, of Maryland, to be Ambassador to the Republic of Zambia, James Frederick Entwistle, of Virginia, to be Ambassador to the Democratic Republic of the Congo, Eric D. Benjaminson, of Oregon, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe, Phillip Carter III, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire, J. Thomas Dougherty, of Wyoming, to be Ambassador to Burkina Faso, Michael S. Owen, of Virginia, to be Ambassador to the Republic of Sierra Leone, Laurence D. Wohlers, of Washington, to be Ambassador to the Central African Republic, Patrick S. Moon, of Virginia, to be Ambassador to Bosnia and Herzegovina, Luis E. Arreaga-Rodas, of Virginia, to be Ambassador to the Republic of Iceland, Daniel Bennett Smith, of Virginia, to be Ambassador to Greece, Scot Alan Marciel, of California, to be Ambassador to the Republic of Indonesia, Judith R. Fergin, of Washington, to be Ambassador to the Democratic Republic of Timor-Leste, Helen Patricia Reed-Rowe, of Maryland, to be Ambassador to the Republic of Palau, Paul W. Jones , of New York, to be Ambassador to Malaysia, James Franklin Jeffrey, of Virginia, to be Ambassador to the Republic of Iraq, Maura Connelly, of New Jersey, to be Ambassador to the Republic of Lebanon, Gerald M. Feierstein, of Pennsylvania, to be Ambassador to the Republic of Yemen, and Francis Joseph Ricciardone, Jr., of Massachusetts, to be Ambassador to the Republic of Turkey, all of the Department of State, Mark Feierstein, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, Mimi E. Alemayehou, of the District of Columbia, to be Executive Vice President of the Overseas Private Investment Corporation, Richard M. Lobo, of Florida, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors, Nisha Desai Biswal, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development, and a routine list in the foreign service.
S–116, Capitol

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine transforming government through innovative tools and technology.
SD–342

AUGUST 4

9 a.m.
Foreign Relations
Business meeting to consider S. 2982, to combat international violence against women and girls, and Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111–05).
S–116, Capitol

Impeachment Trail Committee (Porteous)
Organizational meeting of the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr.
SR–301

10 a.m.
Environment and Public Works
To hold an oversight hearing on the use of oil dispersants in the Deepwater Horizon Oil Spill.
SD–406

Health, Education, Labor, and Pensions
To hold hearings to examine for-profit schools, focusing on the student recruitment experience.
SD–106

Armed Services
SeaPower Subcommittee
Strategic Forces Subcommittee
To receive a briefing on the Navy's plans for the next generation Ohio class ballistic missile submarine.
SVC–217

Judiciary
Terrorism and Homeland Security Subcommittee
To hold hearings to examine government preparedness and response to a terrorist attack using weapons of mass destruction.
SD–226

2:30 p.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine social security disability fraud, focusing on case studies in Federal employees and commercial drivers licenses.
SD–342

AUGUST 5

9:30 a.m.
Veterans' Affairs
Business meeting to consider pending calendar business.
SR–418

10:30 a.m.
Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings to examine the Obama Administration Manufacturing Agenda.
SD–538

SEPTEMBER 15

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine implementation, improvement, and sustainability, focusing on management matters at the Department of Homeland Security.
SD–342

SEPTEMBER 22

10 a.m.
Veterans' Affairs
To hold hearings to examine a legislative presentation focusing on the American Legion.
345, Cannon Building

SEPTEMBER 23

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.
SDG–50

POSTPONEMENTS

AUGUST 3

2:30 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521, the ''Rare Earths Supply Technology and Resources Transformation Act of 2010''.
SD–366

Daily Digest

HIGHLIGHTS

The House passed H.R. 5822, Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2011.

House Committees ordered reported 35 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S6345–S6458

Measures Introduced: Five bills and six resolutions were introduced, as follows: S. 3660–3664, S. Res. 596–600, and S. Con. Res. 69. **Page S6397**

Measures Reported:

S. 3267, to improve the provision of assistance to fire departments, with an amendment in the nature of a substitute. (S. Rept. No. 111–235)

S. 3516, to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, with amendments. (S. Rept. No. 111–236)

H.R. 5278, to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''.

H.R. 5395, to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building''.

S. 3567, to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffrey L. Wiener Post Office Building''. **Page S6397**

Measures Passed:

National Child Awareness Month: Senate agreed to S. Res. 598, designating September 2010 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by these charities and organizations on behalf of children and youth as critical contributions to the future of the Nation. **Page S6456**

National Airborne Day: Senate agreed to S. Res. 599, designating August 16, 2010, as ''National Airborne Day''. **Pages S6456–57**

Authorizing Document Production and Testimony: Senate agreed to S. Res. 600, to authorize document production and testimony by, and representation of, the Select Committee on Intelligence. **Page S6457**

Measures Considered:

Small Business Lending Fund Act—Agreement: Senate continued consideration of H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, taking action on the following amendments and motion proposed thereto: **Pages S6351–86**

Pending:

Reid (for Baucus/Landrieu) Amendment No. 4519, in the nature of a substitute. **Page S6351**

Reid Amendment No. 4520 (to Amendment No. 4519), to change the enactment date. **Page S6351**

Reid Amendment No. 4521 (to Amendment No. 4520), of a perfecting nature. **Page S6351**

Reid Amendment No. 4522 (to the language proposed to be stricken by Amendment No. 4519), to change the enactment date. **Page S6351**

Reid Amendment No. 4523 (to Amendment No. 4522), of a perfecting nature. **Page S6351**

Reid motion to commit the bill to the Committee on Finance with instructions, Reid Amendment No. 4524 (the instructions on the motion to commit), to provide for a study. **Page S6351**

Reid Amendment No. 4525 (to the instructions (Amendment No. 4524) of the motion to commit), of a perfecting nature. **Page S6351**

Reid Amendment No. 4526 (to Amendment No. 4525), of a perfecting nature. **Page S6351**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Thursday, July 29, 2010, with one hour for debate prior to the cloture vote, with the time equally divided and controlled between the two Leaders, or their designees; and with Senators permitted to speak therein for up to 10 minutes each, with the final 10 minutes reserved for the two Leaders, or their designees, with the Majority Leader controlling the final 5 minutes; provided further, that the filing deadline for second-degree amendments be 10 a.m., on Thursday, July 29, 2010. **Pages S6457–58**

House Messages:

Cell Phone Contraband Act: Senate concurred in the amendment of the House of Representatives to S. 1749, to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners. **Page S6456**

Nominations Received: Senate received the following nominations:

Maria Elizabeth Raffinan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Marina Garcia Marmolejo, of Texas, to be United States District Judge for the Southern District of Texas.

M. Scott Bowen, of Michigan, to be United States Attorney for the Western District of Michigan for the term of four years.

Ripley Rand, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Beverly Joyce Harvard, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

David Mark Singer, of California, to be United States Marshal for the Central District of California for the term of four years. **Page S6458**

Messages from the House: **Pages S6395–96**

Measures Referred: **Page S6396**

Measures Placed on the Calendar: **Page S6396**

Measures Read the First Time: **Page S6396**

Executive Communications: **Page S6396**

Executive Reports of Committees: **Page S6397**

Additional Cosponsors: **Pages S6397–98**

Statements on Introduced Bills/Resolutions: **Pages S6398–S6443**

Additional Statements: **Pages S6392–95**

Amendments Submitted: **Pages S6443–55**

Notices of Hearings/Meetings: **Page S6455**

Authorities for Committees to Meet: **Pages S6455–56**

Privileges of the Floor: **Page S6456**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:02 p.m., until 9:30 a.m. on Thursday, July 29, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6458.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee announced the following subcommittee assignments:

Subcommittee on Airland: Senators Lieberman (Chair), Bayh, Webb, McCaskill, Hagan, Begich, Burris, Kaufman, Thune, Inhofe, Sessions, Chambliss, Brown (MA), and Burr.

Subcommittee on Emerging Threats and Capabilities: Senators Nelson (FL) (Chair), Reed, Nelson (NE), Bayh, Udall (CO), Bingaman, Kaufman, Goodwin, LeMieux, Graham, Wicker, Brown (MA), Burr, and Collins.

Subcommittee on Personnel: Senators Webb (Chair), Lieberman, Akaka, Nelson (NE), McCaskill, Hagan, Begich, Burris, Bingaman, Graham, Chambliss, Thune, Wicker, LeMieux, Vitter, and Collins.

Subcommittee on Readiness and Management Support: Senators Bayh (Chair), Akaka, McCaskill, Udall (CO), Burris, Goodwin, Burr, Inhofe, Chambliss, and Thune.

Subcommittee on Seapower: Senators Reed (Chair), Lieberman, Akaka, Nelson (FL), Webb, Hagan, Kaufman, Wicker, Sessions, LeMieux, Vitter, and Collins.

Subcommittee on Strategic Forces: Senators Nelson (NE) (Chair), Reed, Nelson (FL), Udall (CO), Begich, Bingaman, Goodwin, Vitter, Sessions, Inhofe, Graham, and Brown (MA).

Senators Levin and McCain are ex-officio members of the subcommittees.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Janet L. Yellen, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System, Peter A. Diamond, of Massachusetts, Sarah Bloom Raskin, of Maryland, all to be a Member of the Board of Governors of the Federal Reserve System, Osvaldo Luis Gratacós Munet, of Puerto Rico, to be Inspector General, Export-Import

Bank, and Steve A. Linick, of Virginia, to be Inspector General of the Federal Housing Finance Agency.

PROTECTING AMERICA'S WATER TREATMENT FACILITIES

Committee on Environment and Public Works: Committee concluded a hearing to examine protecting America's water treatment facilities, after receiving testimony from Cynthia C. Dougherty, Director, Office of Ground Water and Drinking Water, Office of Water, Environmental Protection Agency; Benjamin H. Grumbles, Arizona Department of Environmental Quality, Phoenix; Paul Orum, Blue Green Chemical Security Coalition, and Darius D. Sivin, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), both of Washington, D.C.; and Carlos Perea, MIOX Corporation, Albuquerque, New Mexico.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Terence Patrick McCulley, of Oregon, to be Ambassador to the Federal Republic of Nigeria, Michele Thoren Bond, of the District of Columbia, to be Ambassador to the Kingdom of Lesotho, and Robert Porter Jackson, of Virginia, to be Ambassador to the Republic of Cameroon, all of the Department of State, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following bills:

H.R. 2868, to amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, with an amendment in the nature of a substitute;

S. 3335, to require Congress to establish a unified and searchable database on a public Web site for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress, with an amendment in the nature of a substitute;

S. 2991, to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, with an amendment in the nature of a substitute;

S. 3243, to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, with an amendment;

S. 2902, to improve the Federal Acquisition Institute, with an amendment in the nature of a substitute;

H.R. 3980, to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, with an amendment in the nature of a substitute;

H.R. 1517, to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service, with an amendment in the nature of a substitute;

S. 3650, to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service;

S. 3567, to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffrey L. Wiener Post Office Building'';

H.R. 5278, to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''; and

H.R. 5395, to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building''.

FLOOD PREPAREDNESS AND MITIGATION

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery and the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration concluded a hearing to examine flood preparedness and mitigation, focusing on map modernization, levee inspection, and levee repairs, after receiving testimony from Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, Army Corps of Engineers, Department of Defense; Sandra K. Knight, Deputy Administrator, Mitigation at the Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, Department of Homeland Security; Montana House Representative Robert Melhoff, Great Falls; David Maidment, University of Texas at Austin Center for Research in Water Resources; Sam Riley Medlock, Association of State Floodplain Managers, Madison, Wisconsin; Robert G. Rash, St. Francis Levee District of Arkansas, West Memphis;

and Joseph N. Suhayda, Louisiana State University Hurricane Center, Baton Rouge.

FEDERAL BUREAU OF INVESTIGATION OVERSIGHT

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Federal Bureau of Investigation, after receiving testimony from Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit, who was introduced by Senator Brown (OH), Beryl Alaine Howell, of the District of Columbia, to be United States District Judge for the District of Columbia, who was introduced by Senator Leahy and Representative Norton, and Robert Leon Wilkins, of the District of Columbia, to be a United States District Judge for the District of Columbia, who was introduced by Representative Norton, after the nominees testified and answered questions in their own behalf.

FILIBUSTER

Committee on Rules and Administration: Committee concluded a hearing to examine the filibuster, focusing on legislative proposals to change Senate procedures, including S. Res. 465, to permit the Senate to avoid unnecessary delay and vote on matters for which floor debate has ceased, and S. Res. 440, improving the Senate cloture process, after receiving testimony from Senators Lautenberg and Bennet; Elizabeth Rybicki, Congressional Research Service, Library of Congress; Gregory Koger, University of Miami, Coral Gables, Florida; and Barbara Sinclair, University of California, Los Angeles.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 27 public bills, H.R. 5890–5916; and 4 resolutions, H. Con. Res. 306; and H. Res. 1565–1567, were introduced. **Pages H6282–83**

Additional Cosponsors: **Pages H6283–84**

Reports Filed: Reports were filed today as follows:

H.R. 4692, to require the President to prepare a quadrennial National Manufacturing Strategy, with an amendment (H. Rept. 111–574, Pt. 1);

H.R. 3534, to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, with an amendment (H. Rept. 111–575, Pt. 1);

H.R. 5781, to authorize the programs of the National Aeronautics and Space Administration, with an amendment (H. Rept. 111–576);

H. Res. 1568, providing for consideration of the bill (H.R. 5893) to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure and to eliminate loopholes which encourage companies to move operations offshore (H. Rept. 111–577); and

H. Res. 1569, providing for consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011 (H. Rept. 111–578). **Page H6282**

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today. **Page H6165**

Chaplain: The prayer was offered by the guest chaplain, Pastor Shawn Black, Calvary Chapel, Costa Mesa, California. **Page H6165**

Suspensions: The House agreed to suspend the rules and pass the following measures:

National Manufacturing Strategy Act of 2010: H.R. 4692, amended, to require the President to prepare a quadrennial National Manufacturing Strategy, by a ⅔ yea-and-nay vote of 379 yeas to 38 nays, Roll No. 477; **Pages H6169–79, H6214–15**

Clean Energy Technology Manufacturing and Export Assistance Act of 2010: H.R. 5156, amended, to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services; **Pages H6179–83**

End the Trade Deficit Act: H.R. 1875, amended, to establish an Emergency Commission to End the Trade Deficit; **Pages H6183–89**

Agreed to amend the title so as to read: ''To establish the Emergency Trade Deficit Commission.''. **Page H6189**

Supporting the goals and ideals of ''National Save for Retirement Week'': H. Res. 1481, to support the goals and ideals of ''National Save for Retirement Week'', including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy; **Pages H6189–90**

Residential Carbon Monoxide Poisoning Prevention Act: H.R. 1796, amended, to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule and to encourage States to require the installation of such detectors in homes; **Pages H6190–92**

Honoring the achievements of Dr. Robert M. Campbell, Jr., to provide children with lifesaving medical care: H. Res. 1499, amended, to honor the achievements of Dr. Robert M. Campbell, Jr., to provide children with lifesaving medical care; **Pages H9192–94**

Truth in Fur Labeling Act: H.R. 2480, amended, to improve the accuracy of fur product labeling; **Pages H6194–96**

Fair Sentencing Act of 2010: S. 1789, to restore fairness to Federal cocaine sentencing; **Pages H6196–H6204**

Fee on Lobbyists Act: H.R. 5751, amended, to amend the Lobbying Disclosure Act of 1995 to require registrants to pay an annual fee of $50, to impose a penalty of $500 for failure to file timely reports required by that Act, and to provide for the use of the funds from such fees and penalties for reviewing and auditing filings by registrants; **Pages H6204–06**

Agreed to amend the title so as to read: ''To provide for the establishment of a task force that will be responsible for investigating cases referred to the Attorney General under the Lobbying Disclosure Act of 1995, and for other purposes.''. **Page H6206**

General and Special Risk Insurance Funds Availability Act of 2010: H.R. 5872, amended, to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development; **Pages H6249–51**

United States Patent and Trademark Office Supplemental Appropriations Act, 2010: H.R. 5874, making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010; **Pages H6251–53**

Emergency Border Security Supplemental Appropriations Act, 2010: H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010; **Pages H6253–57**

Independent Living Centers Technical Adjustment Act: Concurred in the Senate amendment to H.R. 5610, to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers; **Pages H6257–58**

Benton MacKaye Cherokee National Forest Land Consolidation Act: H.R. 4658, amended, to authorize the conveyance of a small parcel of National Forest System land in the Cherokee National Forest and to authorize the Secretary of Agriculture to use the proceeds from that conveyance to acquire a parcel of land for inclusion in that national forest; and **Pages H6259–60**

Directing the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa: H.R. 5669, amended, to direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa. **Pages H6260–61**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Monday, July 26th:

Honoring the educational significance of Dr. Jane Goodall's work: H. Res. 1543, to honor the educational significance of Dr. Jane Goodall's work on this the 50th anniversary of the beginning of her work in Tanzania, Africa, by a ⅔ yea-and-nay vote of 416 yeas with none voting ''nay'', Roll No. 478. **Page H6215**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, July 27th:

Protecting Gun Owners in Bankruptcy Act of 2010: H.R. 5827, amended, to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate, by a ⅔ yea-and-nay vote of 307 yeas to 113 nays, Roll No. 479. **Pages H6215–16**

Military Construction and Veterans' Affairs and Related Agencies Appropriations Act, 2011: The House passed H.R. 5822, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, by a yea-and-nay vote of 411 yeas to 6 nays, Roll No. 482. **Pages H6216–49**

Agreed to:

Holt amendment (No. 1 printed in H. Rept. 111–570) that instructs the Secretary of Veterans Affairs to set aside at least $20 million for suicide outreach prevention via direct advertising and the use of online social media; **Pages H6235–36**

Buyer amendment (No. 2 printed in H. Rept. 111–570) that provides $10 million to fund additional professional level VA Vocational Rehabilitation and Employment counselors; **Page H6236**

Buyer amendment (No. 3 printed in H. Rept. 111–570), as modified, that provides $162,734,000 of the amounts appropriated for Department of Veterans Affairs (VA) Minor Construction for renewable energy projects at VA medical facility campuses; **Pages H6236–37**

Buyer amendment (No. 4 printed in H. Rept. 111–570) that provides $10 million to fund the second year of the VA–US Paralympics Adaptive Sports Program for disabled veterans; **Pages H6237–38**

Cuellar amendment (No. 5 printed in H. Rept. 111–570) that prohibits first class travel under this Act; **Page H6238**

Hill amendment (No. 7 printed in H. Rept. 111–570) that decreases the Veteran's Administration General Operating Expense account by $100,000, then increases it by $100,000, for the purpose of directing the VA to examine its practices in how it accounts for returned Post-9/11 GI Benefit payments from either a veteran or an institute of higher learning, and for the purpose of directing the VA to issue a report to Congress no later than January 1, 2011, on any changes made or planned to be made to increase efficiency and timeliness of accounting for returned payments; **Page H6241**

Gingrey amendment (No. 8 printed in H. Rept. 111–570) that prohibits funds under the Act from being used to exercise the power of eminent domain without payment of just compensation; **Pages H6241–42**

Halvorson amendment (No. 10 printed in H. Rept. 111–570) that subtracts $10,000,000 from General Operating Expenses and adds $10,000,000 to Major Construction Projects; **Page H6243**

Peters amendment (No. 12 printed in H. Rept. 111–570) that decreases the Veteran's Administration General Operating Expense account by $50,000, then increases it by $50,000, for the purpose of directing the VA to implement a program that would re-label prescription drugs used in VA hospitals to be sent home with discharged patients for outpatient use. Currently, veterans often have to go right to the pharmacy to refill what was discarded; **Page H6245**

Peters amendment (No. 13 printed in H. Rept. 111–570) that decreases the Veteran's Administration General Operating Expense account by $150,000, then increases it by $150,000, for the purpose of directing the VA to create a program to review all contracts after every 90-day period of inactivity to determine if the funds obligated for the contract could be deobligated and returned to the account from which the funds were obligated to be put to better use; and **Page H6245**

Gingrey amendment (No. 9 printed in H. Rept. 111–570) that prohibits any funds appropriated or otherwise made available to the Department of Defense under this Act to be used to renovate or construct any facility within the Continental United States for the purpose of housing any individual who has been detained, at any time after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba (by a recorded vote of 353 ayes to 69 noes, Roll No. 480). **Pages H6242–43, H6247–48**

Rejected:

Garrett amendment (No. 14 printed in H. Rept. 111–570) that sought to increase funding for the Grants for Construction of State Veterans Cemeteries account by $7,000,000 and decrease funding for the Grants for Construction, Minor Projects account by $7,000,000 (by a recorded vote of 128 ayes to 296 noes, Roll No. 481). **Pages H6245–47, H6248**

Withdrawn:

Flake amendment (No. 6 printed in H. Rept. 111–570) that was offered and subsequently withdrawn that would have prohibited funding for all of the member-requested earmarks for military construction projects; and **Pages H6238–41**

Bilirakis amendment (No. 11 printed in H. Rept. 111–570) that was offered and subsequently withdrawn that would have required the Veterans Administration to acquire and construct up to four long-term care residential brain injury medical facilities. **Pages H6243–45**

H. Res. 1559, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 243 yeas to 178 nays, Roll No. 476, after the previous question was ordered without objection. **Pages H6206–14**

A point of order was raised against the consideration of H. Res. 1559 and it was agreed to proceed with consideration of the resolution by voice vote. **Pages H6206–08**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Expressing the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States: H. Res. 1558, to express the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers. **Pages H6258–59**

Senate Message: Message received from the Senate today appears on page H6165.

Quorum Calls—Votes: Five yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H6213–14, H6214–15, H6215, H6215–16, H6247–48, H6248, and H6248–49. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:56 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Agriculture: Ordered reported the following bills: H.R. 5509, amended, Chesapeake Bay Program Reauthorization and Improvement Act; H.R. 3519, amended, Veterinarian Services Investment Act; and H.R. 5852, Mandatory Price Reporting Act of 2010.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM QUALITY CONTROL

Committee on Agriculture: Subcommittee on Department of Operations, Oversight, Nutrition and Forestry held a hearing to review quality control systems in the Supplemental Nutrition Assistance Program. Testimony was heard from the following officials of the USDA: Julie Paradis, Administrator, Food and Nutrition Service; Phyllis K. Fong, Inspector General; Kay E. Brown, Director, Education, Workforce, and Income Security Issues, GAO; and public witnesses.

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations, Subcommittee on State, Foreign Operations, and Related Programs held an oversight hearing on U.S. Civilian Assistance for Afghanistan. Testimony was heard from the Department of State: Richard Holbrooke, Special Representative for Afghanistan and Pakistan; and Rajiv Shah, Administrator, U.S. Agency for International Development.

ENLISTED PROFESSIONAL MILITARY EDUCATION PROGRAMS

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Transformation in Progress: The Services' Enlisted Professional Military Education Programs. Testimony was heard from the following officials of the Department of Defense: COL James J. Minick, USMC, Director, Enlisted PME, Marine Corps University, USMC; John Sparks, Director, Institute for NCO Professional Development, Training and Doctrine Command, U.S. Army; Scott Lutterloh, Director, Total Force Requirements Division, U.S. Navy; and Dan Sitterly, Director, Force Development, Deputy Chief of Staff, Manpower and Personnel, U.S. Air Force.

SURFACE FLEET READINESS

Committee on Armed Services: Subcommittee on Readiness and the Subcommittee on Seapower and Expeditionary Forces held a joint hearing on surface fleet readiness. Testimony was heard from the following officials of the Department of the Navy: ADM John Harvey, USN, Commander, Fleet Forces Command; VADM Kevin McCoy, USN, Commander, Naval Sea Systems Command; and VADM William Burke, USN, Deputy Chief of Naval Operations, Fleet Readiness and Logistics (N4).

HARNESSING SMALL BUSINESS FOR NATIONAL SECURITY CYBER NEEDS

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on harnessing small business innovation for national security cyber needs. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following bills: H.R. 903, amended, Dental Emergency Responder Act; H.R. 1745, amended, Family Health Care Accessibility Act; H.R. 3199, amended, Emergency Medic Transition (EMT) Act; H.R. 5710, amended, National All Schedules Prescription Electronic Reporting Reauthorization Act of 2010; H.R. 5756, amended, Training and Research for Autism Improvements Nationwide Act of 2010; H.R. 5809, amended, Safe Drug Disposal Act of 2010; H.R. 2923, Combat Methamphetamine Enhancement Act of 2009; and H.R. 3470, amended, Nationally Enhancing the Well-being of Babies through Outreach and Research Now Act.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported, as amended, the following bills: H.R. 3421, Medical Debt Relief Act of 2009; and H.R. 5823, United

States Covered Bond Act of 2010; and H.R. 476, House Fairness Act of 2009.

TURKEY'S NEW FOREIGN POLICY DIRECTION

Committee on Foreign Affairs: Held a hearing on Turkey's New Foreign Policy Direction: Implications for U.S.-Turkish Relations. Testimony was heard from Ross Wilson, former U.S. Ambassador to Turkey and Azerbaijan; and a public witness.

SURFACE TRANSPORTATION SECURITY INSPECTORS MANAGEMENT

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled ''Lost in the Shuffle: Examining TSA's Management of Surface Transportation Security Inspectors.'' Testimony was heard from the following officials of the Department of Homeland Security: Lee R. Kair, Assistant Administrator, Security Operations, Transportation Security Administration; and Carlton I. Mann, Assistant Inspector General; and public witnesses.

ONLINE PRIVACY/SOCIAL NETWORKING/ CRIME VICTIMIZATION

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on Online Privacy, Social Networking, and Crime Victimization. Testimony was heard from Gordon M. Snow, Assistant Director, FBI, Department of Justice; Michael P. Merritt, Assistant Director, U.S. Secret Service, Department of Homeland Security; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Held a hearing on the following bills: H.R. 5023, Requirements, Expectations, and Standard Procedures for Executive Consultation with Tribes Act; H.R. 4384, To establish the Utah Navajo Trust Fund Commission; and H.R. 5468, Bridgeport Indian Colony Land Trust, Health, and Economic Development Act of 2010. Testimony was heard from Representatives Matheson and McKeon; Paul Tsosie, Chief of Staff, Office of the Assistant Secretary, Indian Affairs, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Ordered reported the following: H.R. 5815, as amended, Inspector General Authority Improvement Act of 2010; H.R. 2853, amended, All-American Flag Act; H.R. 5637, amended, American Jobs Matter Act of 2010; S. 2868, amended; Federal Supply Schedules Usage Act of 2009; and H.R. 5366, Overseas Contractor Reform Act.

The following measures were ordered favorably reported by unanimous consent; H. Res. 1428, Recognizing Brooklyn Botanic Garden on its 100th anniversary as the preeminent horticultural attraction in the borough of Brooklyn and its longstanding commitment to environmental stewardship and education for the City of New York; H. Res. 1546, Congratulating the Washington Stealth for winning the National Lacrosse League Championship; H.R. 5605, To designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the ''George C. Marshall Post Office''; H.R. 5606, To designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the ''Jimmy M. 'Jimmy' Stewart Post Office Building''; H.R. 5655, To designate the Little River Branch facility of the United States Postal Service located at 240 NE 84th Street in Miami, Florida, as the ''Jesse J. McCrary, Jr. Post Office''; H.R. 5758, To designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the ''Sergeant Robert Barrett Post Office Building''; H. Res. 1479, Supporting the United States Paralympics, honoring the Paralympic athletes; H. Res. 1527, Congratulating the United States Men's Soccer Team for its inspiring performance in the 2010 FIFA World Cup; and H.R. 5873, To designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the ''Captain Rhett W. Schiller Post Office.''

USDA BIOTECH POLICY

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled ''Are Superweeds an Outgrowth of USDA Biotech Policy?'' Testimony was heard from public witnesses.

NATIONAL SECURITY INTERAGENCY COLLABORATION

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing entitled ''National Security, Interagency Collaboration, and Lessons from SOUTHCOM and AFRICOM.'' Testimony was heard from John Pendleton, Director, Defense Capabilities and Management Team, GAO; James Schear, Deputy Assistant Secretary, Partnership Strategy and Stability Operations, Department of Defense; and the following officials of the Department of State: Thomas Countryman, Principal Deputy Assistant Secretary, Political-Military Affairs; and Susan Reichle, Senior Deputy Assistant Administrator, Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development.

INVESTING IN AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Committee on Rules: Granted, by a record vote of 6–3, a closed rule providing for consideration of H.R. 5893, the ''Investing in American Jobs and Closing Tax Loopholes Act of 2010.'' The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. 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 that the bill shall be considered as read. The rule waives all points of order against the bill. The rule provides one motion to recommit with or without instructions.

Finally, the rule waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported from the Rules Committee through the calendar day of Sunday, August 1, 2010. Testimony was heard by Chairman Levin.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Committee on Rules: Granted, by a record vote of 7–3, a structured rule providing for consideration of H.R. 5850, the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2011.'' The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. 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 that the bill shall be considered as read through page 171, line 17. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.

The rule makes in order the following amendments: (1) the amendments printed in part A of the report of the Committee on Rules; and (2) not to exceed four of the amendments printed in part B of the report if offered by Representative Flake of Arizona or his designee. The rule provides that 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 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without division of the question. The rule provides one motion to recommit with or without instructions.

The rule provides that after disposition of the amendments specified in the first section of the rule, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. Finally, the rule provides that the Chair may not entertain a motion to strike out the enacting words of the bill. Testimony was heard by Representatives Olver, Cardoza, Peters, Latham, Culberson, Sessions, Turner, Jordan, Roe (TN), and Thompson (PA).

NUCLEAR ENERGY RESEARCH DEVELOPMENT

Committee on Science and Technology: Subcommittee on Energy and Environment approved for full Committee action, as amended, H.R. 5866, Nuclear Energy Research and Development Act of 2010.

SBA OVERSIGHT

Committee on Small Business: Held a hearing entitled ''Oversight of the Small Business Administration and Its Programs.'' Testimony was heard from Karen Mills, Administrator, SBA; and Gregory Kutz, Managing Director, Forensics Audits and Special Investigations, GAO.

VA COST CONTROLS

Committee on Veterans' Affairs: Continued oversight hearings of Inadequate Cost Control at the U.S. Department of Veterans Affairs. Testimony was heard from Susan Ragland, Director, Financial Management and Assurance, GAO; Edward Murray, Deputy Assistant Secretary, Finance, Department of Veterans Affairs.

BRIEFING—DIVERSITY PRACTICES

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Diversity Practices. The Committee was briefed by departmental witnesses.

BRIEFING—SOMALIA

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence met in executive session to receive a briefing on Somalia. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JULY 29, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Business meeting to mark up proposed budget estimates for fiscal year 2011 for State, Foreign Operations, and Related Programs, Department of Labor, Health and Human Services, and Education, and Related Agencies, and Financial Services and General Government, 2:30 p.m., SD–106.

Committee on Armed Services: To hold hearings to examine the new START, 9:30 a.m., SD–G50.

Full Committee, to receive a briefing on Department of Defense strategic force structure options under the New START, 3 p.m., SVC–217.

Committee on Finance: To hold hearings to examine the nominations of Michael C. Camuñez, of California, to be Assistant Secretary of Commerce, and Charles P. Blahous III, of Maryland, and Robert D. Reischauer, of Maryland, both to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund, a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, and a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: Business meeting to consider the nominations of Subra Suresh, of Massachusetts, to be Director of the National Science Foundation, and Mary Minow, of California, to be a Member of the National Museum and Library Services Board, Time to be announced, Room to be announced.

Subcommittee on Children and Families, to hold hearings to examine the state of the American child, focusing on the impact of Federal policies on children, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine mismanagement of contracts at Arlington National Cemetery, 10 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine closing the language gap, focusing on improving the Federal government's foreign language capabilities, 2:30 p.m., SD–342.

Committee on Indian Affairs: To hold an oversight hearing to examine Indian gaming, 9:30 a.m., SD–628.

Committee on the Judiciary: Business meeting to consider S. 3397, to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, S. 2925, to establish a grant program to benefit victims of sex trafficking, S. 518, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and the nominations of Mary Helen Murguia, of Arizona, to be United States Circuit Judge for the Ninth Circuit, Edmond E-Min Chang, to be United States District Judge for the Northern District of Illinois, Leslie E. Kobayashi, to be United States District Judge for the District of Hawaii, Denise Jefferson Casper, to be United States District Judge for the District of Massachusetts, Carlton W. Reeves, to be United States District Judge for the Southern District of Mississippi, and John F. Walsh, to be United States Attorney for the District of Colorado, John William Vaudreuil, to be United States Attorney for the Western District of Wisconsin, William J. Ihlenfeld II, to be United States Attorney for the Northern District of West Virginia, Mark Lloyd Ericks, to be United States Marshal for the Western District of Washington, Joseph Patrick Faughnan, Sr., to be United States Marshal for the District of Connecticut, Harold Michael Oglesby, to be United States Marshal for the Western District of Arkansas, and Conrad Ernest Candelaria, to be United States Marshal for the District of New Mexico, all of the Department of Justice, 10 a.m., SD–226.

Subcommittee on Terrorism and Homeland Security, to hold hearings to examine the passport issuance process, focusing on closing the door to fraud, part II, 2:30 p.m., SD–226.

Select Committee on Intelligence: Closed business meeting to consider pending calendar business, 2 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Financial Services and General Government to mark up the FY 2011 Financial Services and General Government Appropriations bill, 4 p.m., 2362–B Rayburn.

Committee on Armed Services, hearing on the Final Report of the Independent Panel's Assessment of the Quadrennial Defense Review, 10 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing on H.R. 5820, Toxic Chemicals Safety Act of 2010, 10 a.m., 2123 Rayburn.

Committee on Financial Services, to mark up the following bills: H.R. 4790, Shareholder Protection Act of 2010; and H.R. 2267, Internet Gambling Regulation, Consumer Protection, and Enforcement Act; followed by a hearing entitled "Alternatives for Promoting Liquidity in the Commercial Real Estate Markets, Supporting Businesses and Increasing Job Growth," 10 a.m., 2128 Rayburn.

Subcommittee on Capital Markets, Insurance, and Government Sponsored enterprises, hearing entitled "Future of Housing Finance: The Role of Private Mortgage Insurance," 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Western Hemisphere, hearing on The Crisis in Haiti: Are We Moving Fast Enough? 9:30 a.m., 2172 Rayburn.

Committee on House Administration, Subcommittee on Capitol Security, hearing on U.S Capitol Police Budget Concerns, 11 a.m., 1310 Longworth.

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on the American Dream Part III: Advancing and Improving the

Fair Housing at the 5-year Anniversary of Hurricane Katrina, 2 p.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on National Parks, Forests and Public Lands, oversight hearing entitled ''Building Success: Implementation of the Secure Rural Schools Program,'' 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, oversight hearing entitled ''Investment in Small Hydropower: Prospects of Expanding Low-Impact and Affordable Hydropower Generation in the West,'' 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, hearing entitled ''Implementations of Iran Sanctions,'' 10 a.m., 2154 Rayburn.

Subcommittee on Information Policy, Census, and the National Archives, hearing entitled ''Public Access to Federally-Funded Research,'' 2 p.m., 2154 Rayburn.

Committee on Rules, to consider the following bills: H.R. 3534, Consolidated Land, Energy, and Aquatic Resources Act of 2009; and H.R. 5851, Offshore Oil and Gas Worker Whistleblower Protection Act of 2009, 4 p.m., H–313 Capitol.

Committee on Small Business, hearing entitled '' The Impact of Interchange Fees on Small Businesses,'' 10 a.m., 2360 Rayburn.

Committee on Standards of Official Conduct, Adjudicatory Subcommittee, to meet in the Matter of Representative Charles B. Rangel, 1 p.m., 210–HVC.

Committee on Transportation and Infrastructure, to mark up the following: the Water Resources Development Act of 2010; the Economic Revitalization and Innovation Act of 2010; H.R. 5112, Federal Buildings Personnel Training Act of 2010; H.R. 5282, To provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities; H.R. 305, Horse Transportation Safety Act of 2009; H.R. 5717, Smithsonian Conservation Biology Institute Enhancement Act; H.R. 1997, To direct the Secretary of Transportation to update a research report and issue guidance to the States with respect to reducing lighting on the Federal-aid system during periods of low traffic density; H.R. 4387, To designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''; H.R. 5651, To designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the ''Andrew W. Bogue Federal Building and United States Courthouse''; H.R. 5706, To designate the facility of the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the ''Frank Evans Government Printing Office Building''; H.R. 5773, To designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, as the ''Robert M. Ball Federal Building''; H.R. 5591, To designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Air Traffic Control Tower''; H.R. 1473, Supporting backcountry airstrips and recreational aviation; and other pending business, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on Licensure and Certification, 1 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Income Security and Family Support, hearing to Review the Use of Child Welfare Waiver Demonstration Projects to Promote Child Well Being, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, meeting to consider non-committee requests for access to classified information, 10 a.m., and executive, briefing on DOD Quarterly Update 12:30 p.m., 304–HVC.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 29

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 5297, Small Business Lending Fund Act, and after a period of debate, vote on the motion to invoke cloture on Reid (for Baucus/Landrieu) Amendment No. 4519 at approximately 10:40 a.m., with a 10 a.m. filing deadline for all second-degree amendments.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 29

House Chamber

Program for Thursday: Consideration of H.R. 5850—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2011 (Subject to a Rule) and H.R. 5893—Investing in American Jobs and Closing Tax Loopholes Act of 2010 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Berry, Marion, Ark., E1454, E1459
Bishop, Sanford D., Jr., Ga., E1462
Boozman, John, Ark., E1449, E1461
Campbell, John, Calif., E1459
Capito, Shelley Moore, W.Va., E1448, E1449, E1449
Capps, Lois, Calif., E1449
Castle, Michael N., Del., E1461
Castor, Kathy, Fla., E1450
Chu, Judy, Calif, E1448
Coffman, Mike, Colo., E1454
Dingell, John D., Mich., E1448, E1453
Eshoo, Anna G., Calif., E1452
Etheridge, Bob, N.C., E1449
Faleomavaega, Eni F.H., American Samoa, E1452, E1456
Fudge, Marcia L., Ohio, E1461
Gallegly, Elton, Calif., E1455
Harman, Jane, Calif., E1457
Heller, Dean, Nev., E1455
Jackson Lee, Sheila, Tex., E1445
Johnson, Henry C. ''Hank'', Jr., Ga., E1458
Johnson, Timothy V., Ill., E1456
King, Peter T., N.Y., E1449
Lewis, John, Ga., E1457
McCollum, Betty, Minn., E1446, E1450, E1454, E1457, E1459
McIntyre, Mike, N.C., E1462
McMorris Rodgers, Cathy, Wash., E1453
Maloney, Carolyn B., N.Y., E1450
Michaud, Michael H., Me., E1447, E1455, E1457, E1459, E1461
Oberstar, James L., Minn., E1450, E1460
Paul, Ron, Tex., E1456
Payne, Donald M., N.J., E1462
Perriello, Thomas S.P., Va., E1456
Rahall, Nick J., II, W.Va., E1462
Ross, Mike, Ark., E1453
Roybal-Allard, Lucille, Calif., E1447
Sánchez, Linda T., Calif., E1458
Sanchez, Loretta, Calif., E1455
Schiff, Adam B., Calif., E1454
Scott, Robert C. ''Bobby'', Va., E1453
Smith, Adam, Wash., E1457
Stupak, Bart, Mich., E1448
Van Hollen, Chris, Md., E1455
Waxman, Henry A., Calif., E1459

Congressional Record

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