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House of Representatives

The House met at 10 a.m.

Chaplain Paul L. Sherouse, Wing Chaplain, Andrews Air Force Base, Air Force District of Washington, offered the following prayer:

Almighty God, our gracious heavenly Father, we pause before the business of our Nation to remember that You have granted us a unique role at this moment in history.

Blessed with government committed to preserving individual freedoms; an abundance of natural resources that inspire our industry; and educational opportunities that have resulted in scientific and technological achievements, we are the most powerful and wealthiest nation on Earth. Grant us wisdom to use these gifts in service to our country and our world.

We give You special thanks for the Library of Congress, established 208 years ago today. May its example of research and scholarship continue to be an example for all. Send Your holy angels to watch over our military. Inspire their courage, protect them from danger, grant success to their missions and keep their families safe and secure in their absence; through Jesus Christ, Your Son, my Savior. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LORETTA SANCHEZ of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and agreed to a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2324. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

S. Con. Res. 77. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008.

WELCOMING CHAPLAIN PAUL L. SHEROUSE

The SPEAKER. Without objection, the gentleman from Texas (Mr. GONZALEZ) is recognized for 1 minute.

There was no objection.

Mr. GONZALEZ. Madam Speaker, it is my honor and privilege to welcome Lieutenant Colonel Paul L. Sherouse this morning as he opened the United States House of Representatives with a prayer as our guest chaplain. Lieutenant Colonel Sherouse is a decorated member of the United States Air Force and has been honored with the Meritorious Service Medal with three oak leaf clusters, the Air Force Commendation Medal with three oak leaf clusters, the Southwest Asia Service Medal, and the Air Force Achievement Medal.

He is the Wing Chaplain at Andrews Air Force Base in Maryland and is endorsed by the Lutheran Church-Missouri Synod.

Previously, Lieutenant Colonel Sherouse was on assignment in Baghdad, Iraq, in July 2003. As he prepares for his latest deployment to Kuwait on May 3, 2008, we wish him the best and

are honored to have him here with us this morning. On behalf of my constituents in San Antonio and the U.S. House of Representatives, we thank him and his family, including his wife, Pamela, and their children, Arynne and Oliver, for his honorable service to our country.

ANNOUNCEMENT BY THE SPEAKER

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

NATIONAL URBAN SEARCH AND RESCUE AUTHORIZATION ACT

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, every day and every night firefighters, police officers, and other first responders keep our communities safe and are ready to respond to emergencies as they arise.

Among all of the dedicated first responders in our cities and towns, several local agencies have taken their commitment a step further by sponsoring Urban Search and Rescue Task Forces. There are 28 Urban Search and Rescue Task Forces around the country, including one in my own district, sponsored by the Orange County Fire Authority.

These task forces stand ready to respond to natural disasters like earthquakes and hurricanes, and to terrorist attacks. For example, FEMA deployed 25 of the 28 on 9/11, and 28 of the 28 task forces to Hurricane Katrina.

Despite the fact that these task forces are deployed by FEMA, they

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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have not been authorized by the Congress and as a result, the task force members are not eligible for Federal disability or death benefits if they are injured while federally deployed.

I have introduced H.R. 4183, the National Urban Search and Rescue Response System Act of 2007, which could give them the protections that they deserve. I hope all Members will join me in moving this legislation forward.

DENTON, TEXAS

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

Mr. BURGESS. Mr. Speaker, I rise today to recognize Denton County, Texas.

I grew up in Denton, a town where a mere 160 years ago there were more cattle than people. In fact, when my parents moved to the area in 1951, the town of Denton was a city of 20,000. Today it is well over 100,000 and the county is well over 400,000.

Denton is not the biggest county in America, but as long as I can remember, it is the kind of place where you knew the mayor, the local shop owners, the bank tellers, or the manager of the local grocery store. The fabric of the community was in the businesses that helped build the community and sustain life there. The same is true today.

Some of these Denton County businesses and the Chambers of Commerce that represent them are here in Washington today. I am pleased to welcome my friends and some of the local officials to the Nation's capital. I also want to thank them for helping make Denton County a place of entrepreneurship and economic opportunity, a friendly place where people are glad to see you, and I, for one, am very glad to call home.

I would like to submit the names of the Denton County delegation for the RECORD: Mandy Calvin, Jonathan Calvin, Gene Carey, Donald Combs, Cindi Howard, Mary Jacoby, Claude King, Matt McCormick, Stan Morton, Jody Smith, Katy Taggart, and Lori Walker.

WORKERS MEMORIAL DAY

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

Mr. HARE. Mr. Speaker, April 28 marks the 20th annual Workers Memorial Day. I rise with other members of the Labor and Working Family Caucus to acknowledge the millions of workers who have been killed or injured on the job.

Since 1970, OSHA has been a driving force in improving workplace safety across the country. However, the Bush administration has sought to downsize the agency. A weakened OSHA has real life-or-death consequences for workers, such as Cintas employee Eleazar Torres-Gomez who died last year when

he was dragged into an industrial dryer.

Mr. Torres-Gomez's fate is, unfortunately, too common. Sixteen workers die every day in our country from work-related injuries.

Last year, along with Representative LYNN WOOLSEY, I introduced the Protecting America's Workers Act, which amends OSHA to cover more workers, and strengthens protections and accountability. During Workers Memorial Week, the best way to honor our workers is to quickly send this bill to the President's desk.

HERE COMES THE HORSE CAVALRY

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

Mr. POE. Mr. Speaker, Canada is the largest crude oil supplier to the United States. About half of that crude is derived from what is called oil sands. Also, the military wants to buy Canadian "unconventional fuels" instead of buying fuel from rogue dictators. The Air Force wants to use Canadian "coal to liquid fuel" and turn it into jet fuel.

But the nonenergy bill passed by Congress prohibits such purchases because of absurd environmental restrictions.

Now, not only is it harder for Americans to obtain affordable gasoline, our military is at risk of having a fuel shortage to carry out its mission in Iraq and Afghanistan.

This Nation is at war. Our troops need fuel. The latest congressional attempt to hurt the military as a way of appeasing environmental fear mongers could result in what happened to General George Patton in World War II. On August 31, 1944, General Patton was charging toward Germany and just outside of Metz, France, his tanks ran out of gas because bureaucrats here in the United States denied him fuel.

So unless Congress acts, our troops may be charging into battle riding cavalry horses, while our tanks and planes rust and gather dust because they are out of gas.

And that's just the way it is.

□ 1015

RECOGNITION OF WORKERS MEMORIAL DAY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, this coming Monday, April 28, millions of people worldwide will recognize Workers Memorial Day.

Each year, in this country, thousands of workers are killed due to workplace related injuries, and tens of thousands more die of occupational illness. It is staggering to think that each day an average of 16 workers are killed due to the injuries on the job.

The bottom line is that everyone deserves a safe and healthy workplace. Many of us take this basic right for granted, but for millions of Americans, the threat of being permanently disabled or even killed on a job is very real.

Workers Memorial Day not only recognizes and honors those who have been killed or injured on the job, it also reminds us of the overwhelming need to improve health and safety standards in our Nation's workplace.

Mr. Speaker, yesterday I introduced a resolution to recognize Workers Memorial Day, and I certainly encourage all my colleagues on Monday to pay respect for those who have lost their lives this past year.

COUNTY PAYMENTS FOR DESCHUTES COUNTY, OREGON

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

Mr. WALDEN of Oregon. Mr. Speaker, in Deschutes County, Oregon, 78 percent of the land is owned by the Federal Government. That's an area 50 percent larger than the State of Rhode Island. Yet the Federal Government has pulled the plug on its commitment to this central Oregon county, by allowing the county timber payments program to expire.

A full 10 percent of Deschutes County's annual budget is comprised of county payments. Faced with the possibility of losing those funds, the county last year laid off employees and cut services in its road department. This year the county's grappling with a similar choice, lay off more employees, cut vital services, or find a balance of the two.

Deschutes County Commissioner Dennis Luke said, "It's not only our roads that will take a hit. More importantly, it affects our ability to reduce the threat of wildfire, provide search and rescue services to folks who enjoy recreating on the vast stretches of federal lands."

All the while, the House has had a solution in waiting in H.R. 3058, a 4-year reauthorization, but its approval has been stymied by the Democratic leadership, which, for some reason refuses to allow it to come up for a vote.

H.R. 3058 languishes while we name post offices, honor sports teams and rename roads. There's time for that, but not time to vote on H.R. 3058.

I hope the health of rural America can find a spot somewhere tucked in among those priorities, and that the leadership will allow the House to vote to reauthorize county timber payments.

WORKERS MEMORIAL DAY

(Ms. LINDA T. SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I rise this morning

to honor the thousands of American workers who are injured, sickened, and killed each year in this Nation.

Next Monday, April 28, is Workers Memorial Day, dedicated to remembering workers whose lives are lost on the job. Sixteen workers are killed on the job every day in America. Every Day.

And these are not just workers in highly dangerous professions, but workers from every profession you can imagine, from mechanics to teachers to newspaper carriers.

Instead of addressing the crisis in worker safety, the Bush administration continues to underfund the Occupational Safety and Health Administration, OSHA. Like an old dog who's lost its teeth, OSHA doesn't scare anyone. It hasn't improved safety and it doesn't protect workers.

Today, I stand with families who have lost loved ones on the job. Tomorrow I continue working with my colleagues in the Labor and Working Families Caucus to strengthen OSHA.

American workers deserve to be safe while earning a living and contributing to this great country. And we must do more to ensure that they are safe.

DEMOCRATS' COMMONSENSE PLAN

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, "Democrats have a commonsense plan to help bring down skyrocketing gas prices."

That was Ms. PELOSI in a press release 1 year ago today. The price at the pump then, \$2.91 a gallon, today almost \$4 a gallon.

Also 2 years ago, Ms. PELOSI vowed that if her party took over Congress they would cut energy prices, especially gasoline. It's obvious there's a fast growing need for energy in our country, and this need must be met with a solution.

To provide a reduction in gas prices for Americans, we need to find resources here at home and support domestic energy production. Our country needs to research and fund alternative energy production to become less dependent on foreign sources for the security of our country, and to ease the burdening gas prices for our American families.

American families were promised a commonsense plan by the Democrat majority. If there's a commonsense plan, don't you think it's time that we see it?

THE ARMENIAN GENOCIDE

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

Mr. COSTA. Mr. Speaker, I rise today to commemorate the 93rd anniversary of the Armenian Genocide, which, sadly, was the first genocide of the 20th century, a template for a cycle of geno-

cide that continues to occur to this day.

The Armenian Genocide involved the issue of man's injustice to mankind. It continued to occur throughout the 20th century, as we know, in the Holocaust, Cambodia, Rwanda, Bosnia, and now in Darfur.

Growing up in Fresno, California, as we proudly say, the land of William S. Royan, I heard many stories as a young man from the grandparents of our neighbors, the Kezerians, the Koligians and the Abramhian families, about being forced to leave their homes and farms, the stories of long marches and systematic murders. They believe it was the first genocide of the 20th century, and ladies and gentlemen of the House, I believe it was too.

Genocide is not something that can simply be swept under the rug and forgotten. The United States cannot continue its policy of denial regarding the Armenian genocide, and I encourage that we once again reconsider the passage of H. Res. 106 to recognize the Armenian genocide.

OIL SHOCK

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

Mr. WESTMORELAND. I want to read an editorial to the American people, Mr. Speaker, that was printed yesterday in *Investors Business Daily*:

"Oil Shock.

"When it comes to energy policy, Democrats always talk a good game. But look at their actual record while in control of Congress in the last year and a half. It's been nothing short of disastrous.

"Wasn't it 2 years ago that then Minority Leader Nancy Pelosi vowed, if the party took over Congress, to cut energy prices, especially gasoline?

" 'Democrats have a commonsense plan,' Ms. Pelosi went on to say, 'to help bring down skyrocketing gas prices by cracking down on price gouging, rolling back the billions of dollars in taxpayer subsidies, tax breaks and royalty relief given to the big oil and gas companies, and increasing production of alternative fuels.'

"This is what Ms. Pelosi wrote in April of 2006 as part of her efforts to convince the American people to elect Democrats.

"How's that working for you? The cost of energy, measured by the price of West Texas Intermediate Crude is up more than 70 percent."

On 12/19/07 President Bush signed into law H.R. 6, which was the plan. It's not working.

We want to see the real plan, Ms. PELOSI.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COSTA). Members are reminded to address their remarks to the Chair.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 2830, the Coast Guard Reauthorization Act.

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

There was no objection.

COAST GUARD AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1126 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. 2830.

□ 1025

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. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, with Mr. McNULTY in the chair.

The Clerk read the title of the bill.

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

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes, and the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

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

I rise in strong support of H.R. 2830, the Coast Guard Authorization Act that includes critical provisions to strengthen the U.S. Coast Guard.

It's been since 2004, the last time we actually moved through House and Senate and conference a Coast Guard authorization bill, not for lack of effort. In the 109th Congress in 2005 and 2006 the Committee on Transportation and Infrastructure, under then Chairman DON YOUNG, a strong advocate, admirer of and one who embraces the U.S. Coast Guard, we moved the bill through committee, and we brought it to the House in 2006. Unfortunately, we were not able to reach conference with the other body, but not for lack of effort.

And so that bipartisan initiative was rekindled last year as the committee picked up the pieces and incorporated the work of previous Congresses and moved forward with a very expansive Coast Guard authorization bill.

Toward that purpose, I express my deepest appreciation for the chairmanship of the subcommittee, under ELIJAH CUMMINGS, the Member from Baltimore, who has embraced his responsibility and duty and embraced the Coast Guard and mastered the subject matter. And our ranking member on that Coast Guard Subcommittee, the gentleman from Ohio (Mr. LATOURETTE) who, in his ever thoughtful, judicious, thorough manner, similarly has mastered the subject matter. He is a master of detail, and has brought many thoughtful recommendations to the legislation that is before us.

And I thank the gentleman for his splendid cooperation, that of the ranking member of the full committee, Mr. MICA, who has ceded the floor responsibilities to Mr. LATOURETTE. Mr. MICA, representing the State of Florida, a State that is intimately related with, to, dependent upon, and grateful to the Coast Guard for its services.

In this bill, we extend, we first of all, increase personnel for the U.S. Coast Guard. In my first year in Congress, 1975, I served on the Coast Guard Subcommittee and subsequently, all through to 1995, when the Merchant Marine and Fisheries Committee, which included Coast Guard, was dissolved and the responsibilities of the Coast Guard transferred over to the Committee on Transportation and Infrastructure where I continued to work on Coast Guard issues.

From 1975, Coast Guard personnel authorization was at 39,000. We added 27 new functions, new responsibilities, various Congresses, various presidents over the years, without increasing substantially Coast Guard personnel. We do that in this legislation. We add 1,500 military personnel.

□ 1030

We increase the total strength of the Coast Guard to 47,000 to adequately serve the needs of the clear dual responsibilities of the Coast Guard, safety, which is search and rescue, and buoy tending and navigation aids and so on, and the security responsibility in the Coast Guard in the era of homeland security.

There will be no argument or no, how shall I say, excuse in the future that the Coast Guard doesn't have sufficient personnel so they have to be a multi-mission agency. We're going to assure that they have adequate personnel through this authorization and subsequent funding of it to carry out all of their civil responsibilities.

We extend benefits to Coast Guard personnel, reimburse them for medical-related travel for members assigned to remote locations. We grant access to Armed Forces retirement home systems to the Coast Guard veterans. We

allow Coast Guard in this legislation to provide authorization for personnel who work in support of a declaration of a major disaster or emergency issued by the President to retain up to a total of 90 days of accrued leave compared to only 60 days currently.

We implement the administration's proposal initiated by the Coast Guard to reorganize the Coast Guard. As they propose in their plan in this legislation, we provide authorization that eliminates two area commands established by law and the Coast Guard chief of staff position and replace those with four vice admirals, deputy commandant for mission support, deputy commandant for national operations and policy, the commander for force readiness command and the commander for the operations command, and we promote, in this legislation, the vice commandant to full admiral.

The legislation strengthens substantially fishing vessel safety, the most dangerous occupation in the United States, improving the training, construction, and enforcement standards for commercial fishing vessels; double hull around fuel bunker tanks on new construction of U.S. vessels. Any vessel carrying more than 600 cubic meters of oil will have double hulls around their fuel tanks to prevent the disastrous consequences such as the COSCO BUSAN, which Chairman CUMMINGS went out to hold a hearing on in the San Francisco Bay following the allision with the Bay Bridge and with the release of 53,000 gallons of heavy fuel.

Ballast water treatment. We have the first enforcement program since invasive species were identified as a major problem in the Great Lakes in the 1970s. We require ships to install ballast water treatment systems in 2009 to control invasive species into U.S. ports, waterways, of course in the inland waterways and the Great Lakes. We established a standard adopted by the International Maritime Organization from 2009 to 2012, but beginning in 2012, the standard will be increased to 100 times greater than the IMO, based on best-available technology.

There are eight provisions dealing with port security that I will withhold comment on which Chairman BENNIE THOMPSON will speak, and I'm very grateful for his participation in all of our committee work. I will also set aside for the moment the Coast Guard Deepwater assets procurement issue for Chairman CUMMINGS to address. That was a matter on which he devoted an enormous amount of time.

We remove appearance of conflict by transferring administrative law judges from the Coast Guard to the National Transportation Safety Board, as we did years ago, bipartisan initiative in our committee for pilots. The venue for appeals to the commandant decision to suspend or revoke a mariner's license, such as a captain's license, for violation of marine safety laws or acts of professional incompetence will now be

heard by an NTSB administrative law judge but retaining the Coast Guard authority to decide whether to seek suspension or revocation of a mariner's license.

In 2007, two former Coast Guard ALJs testified before the Subcommittee on Coast Guard and Maritime Transportation that they were pressured not to allow a mariner's discovery of information that could vindicate that mariner.

I think one of our major contributions, perhaps in my mind the most significant, apart from the Deepwater, which has already passed the House, is the establishment of new Marine Safety Authority and raising the quality of personnel and the authority for marine safety within the Coast Guard, establish marine safety as a function of the Coast Guard. It is now mentioned in their basic law. But we established marine safety as a Coast Guard function focused on actions necessary to protect life, property and the environment at sea.

Created an assistant commandant for marine safety. The chief of marine safety in each Coast Guard sector; established minimum qualifications for all marine safety personnel saying that those persons appointed to marine safety positions, safety inspectors, casualty inspectors, chief of marine safety, be technically qualified for those positions that they should have at least the qualifications that the American Bureau of Shipping has and better than those.

We establish a limited duty officer program in marine safety to allow commanders or chief warrant officers who have extensive marine safety experience to have the opportunity to specialize in marine safety.

We require that appeals and waivers of marine safety laws and regulations be handled by qualified marine inspectors. Those marine safety regulations now are handled by the chain of command of the Coast Guard. That means an appeal can be decided by a ship driver, a helicopter pilot, who has no qualifications in the specific issue at hand. We need to raise the qualifications, the skills of those personnel in key positions of the Coast Guard. This bill does that.

And we also require establishment of and funding for a course in marine safety as part of the curriculum at the U.S. Coast Guard Academy. I was there in New London at the Coast Guard Academy on Friday, and a commandant of the academy and a commandant of cadets both were thrilled with this idea, as were cadets with whom I visited.

And the final point I want to call attention to is the strengthening of the marine pollution prevention provisions in the act. I will leave those details to later.

I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, at this time it's my privilege to yield such time as he may consume to the ranking member of the full committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I would like to thank our ranking member, Mr. LATOURETTE, for yielding time to me, and I am pleased to speak on an important reauthorization measure, and that's reauthorization of our Coast Guard. Unfortunately, I'm told that even if we pass this bill today, and it will not be passed in totality, it still must be conferred with the other body, that this authorization is only good through the end of this fiscal year. And, unfortunately, this reauthorization has been delayed, and we will find ourselves back at the beginning gate, starting gate, so to speak. That's one of my disappointments.

First, though, before I get into my disappointments, let me commend, first of all, our ranking member, Mr. LATOURETTE. He's worked tirelessly as the Republican leader of the Coast Guard Subcommittee to try to bring this reauthorization legislation together. He's taken some absolutely terrible proposals that first came out and made them much, much better, and I commend Mr. LATOURETTE for his hard work on this and trying to reach compromise.

I also compliment Mr. OBERSTAR, my counterpart in the committee, heads up the Democrat side, our chairman, for his efforts to try to bring about bipartisan compromise on the legislation. Mr. CUMMINGS, the chairman of the Coast Guard Subcommittee, has worked with our ranking member.

So I thank all of them. Their efforts have been good, and I'm going to cast a vote in favor of this to move the process forward, and I think that's incumbent in my particular position to try to continue to make the bill better.

This is a good reauthorization start. I do have two major concerns that I want to say that I am not pleased with, the administration is not pleased with, and I think the United States Coast Guard is not pleased with.

First of all, I have opposition to two provisions. Let me speak about the first one, and one you heard a lot about, the safety regime that's created in this bill. Unfortunately, this particular provision, while it may sound good that the safety is being addressed, it really destroys the command and control function that is so essential in a national security agency.

Now the Coast Guard's primary responsibility is one of national security. It's also safety, but it is first and foremost, a national security agency. And this regime sets up an unprecedented bureaucracy. It also destroys the command approach that we have had in our services.

In fact, it would prescribe the duties, qualifications, and set up a chain of command of senior Coast Guard officials. This represents an extraordinary intrusion upon the service chiefs' authority to command and control a branch of the Armed Forces and, ultimately, the ability of the Secretary and the President to deploy the Coast Guard in an emergency.

Now this isn't just my evaluation. This is the Coast Guard, this is the administration, the President's evaluation of what the current language would do.

Unfortunately again, we still have this provision that needs to be worked on, and we need to make certain that national security, the ability to command and control a branch of the armed services is not damaged.

The second reason that I have concern about this legislation is that unfortunately, the waterside security provisions here that relate to liquefied natural gas terminals and liquefied natural gas tankers requires the Coast Guard to provide security in a manner that is contrary to the existing assistance framework and also at odds with assisted risk-management practices.

In simple layman's terms, what's happening is right now when we're having a difficulty of getting a supply of natural gas, and gas prices are soaring. People are seeing natural gas prices reach record levels. We're creating more redtape, more impediments and setting up another regime in which we will limit the supply and also actually create more impediments to getting the supply so the cost can go down and the people who have access to probably one of the best sources of energy has the least amount of damage of any of the fossil fuels to our environment.

So those are my two concerns.

But, again, I'm going to support the measure. I'm hoping that through conference, we can make the bill much better, that we can address the command regime that's set up here in a new safety bureaucracy, that we can also make certain that we have a supply of liquefied natural gas, access to liquefied natural gas and also bring the prices down for the consumer who's under incredible pressure right now trying to pay bills, meet the costs of increasing energy.

So those are my concerns.

Again, I want to thank all of the members who've worked on this in the committee, the ranking member Mr. LATOURETTE, Mr. OBERSTAR, and Mr. CUMMINGS for their efforts.

□ 1045

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes, first to express my great appreciation for John Cullather, Chief of Staff on the Coast Guard Subcommittee on the Democratic side, Richard Hiscock, Lucinda Lessley, Ianta Summers, Christy Rutherford, and on the Republican staff, John Rayfield and Eric Nagel, with whom we have worked diligently and consistently and thoroughly and achieved a great accommodation of use.

Secondly, I don't share the ranking Republican member's pessimistic outlook for this legislation. The Coast Guard reauthorization has been reported from committee in the other body. It has been hotlined by the Democratic leadership in the other

body. They anticipate it will clear those hotline processes shortly and that the other body will be able to, in due course, in relatively short period of time, consider a Coast Guard bill on the floor, and that we can, in fact, anticipate conference with the other body by and before the beginning of summer. I have a very positive and hopeful outlook.

Third, as for redesigning and restructuring the Coast Guard, the committee has done that since the 1960s, directing how the structure of the Coast Guard shall be organized. In fact, we do far less structuring in this bill following in that tradition than is done for the U.S. Navy.

Mr. Chairman, I yield 5 minutes to the gentleman from Maryland, Chair of the subcommittee, Mr. CUMMINGS.

Mr. CUMMINGS. I want to thank the chairman for yielding.

And as chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of the amendment in the nature of a substitute to H.R. 2830, the Coast Guard Authorization Act.

I want to thank Chairman OBERSTAR for his inspired leadership of the Transportation Committee. I also thank Chairman THOMPSON for his leadership on the Homeland Security Committee. Further, I thank my ranking member of the Transportation Committee, Mr. MICA. And I give special thanks to Congressman LATOURETTE for his service as the ranking member of the Coast Guard Subcommittee. And certainly I thank Congressman KING.

Throughout the 110th Congress, I've led the subcommittee in examining the many ways in which the Coast Guard, our thin blue line at sea, has been stretched since 9/11. The amendment in the nature of a substitute before us today responds directly to the issues we have examined by ensuring that the Coast Guard has the expertise and resources necessary to perform all of its missions effectively and efficiently.

The legislation would authorize \$8.4 billion for the Coast Guard and authorize an increase in the total number of military personnel to 47,000.

Our subcommittee has become deeply concerned that the area where the Coast Guard is becoming thinnest is in marine safety, the function responsible for protecting lives, property and the environment at sea. The declines in this program have become shockingly evident when the Department of Homeland Security's Inspector General found that the Coast Guard dispatched three individuals who were not qualified to conduct an investigation to respond to the ship that hit the San Francisco Bay Bridge and subsequently spilled 54,000 gallons of fuel into the Bay.

Without taking away any of the resources or the flexibility that the Coast Guard needs to perform any other mission, including securing our ports, the amendment in the nature of a substitute requires that individuals

who ensure the safety of the maritime industry prepare for these highly technical jobs by meeting requisite training standards. The bill also requires that as new liquefied natural gas (LNG) terminals are approved, all of the resources necessary to adequately secure these terminals are in place. I emphasize that these provisions will not impede the development of any new project. They will simply ensure that security requirements are met before new terminals become operational.

Further, H.R. 2830 will set new and increasingly stringent standards for the treatment of ballast water through which invasive species have been introduced to some of our Nation's most fragile marine environments, such as the Chesapeake Bay. It will also give mariners the right to have cases involving the potential suspension or revocation of their professional credentials heard by the National Transportation Safety Board's administrative law judge system.

These provisions respond to compelling testimony from former Coast Guard ALJs indicating that they did not work in an environment that supported their exercise of judicial independence. Mariners who are unsafe should not be on our Nation's waterways, but fair treatment must be assured to all individuals in any legal proceeding. And the transfer of the Coast Guard's ALJ function to the National Transportation Safety Board will avoid even the potential appearance of unfairness.

Finally, the amendment takes significant new steps to ensure that our Nation's "shield of freedom" resembles the nation it is defending. The bill would require applicants to the Coast Guard Academy to be nominated by Members of Congress or other authorities. This, in conjunction with expanded minority recruiting efforts, would draw students from all of our Nation's communities to the academy, beginning the process that the Commandant himself has said is needed to expand minorities at all ranks of the more than 6,000-member officer corps from the current number of 827.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, it is my honor to be an original cosponsor of H.R. 2830, which will set standards that will ensure the Coast Guard performs at the level it expects of itself while also providing the resources necessary to enable the service to fulfill all of its missions.

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2830, and I'll tell you why in just a second, but just a couple of editorial notes. One is that it is my belief that this Coast Guard reauthorization is brought to the floor in the best traditions of the Transportation and Infrastructure Committee. And I want to commend the ranking member of our full committee, Mr. MICA, for his

diligence and work, and also for expressing his remaining concerns.

I also want to express my appreciation to the chairman of our subcommittee, Mr. CUMMINGS, who I've had the pleasure now of working with about a year and a half, and I will tell you there is no Member that is more dedicated to not only the mission of the Coast Guard, but the safety of those that they entrust with supervising. It is a pleasure to serve in the post of ranking member with Mr. CUMMINGS as the chairman.

And, also, a special affection for the chairman of the full committee. I made the observation at the beginning of this Congress, and I'll repeat it again today, that obviously, as a Republican, none of us were excited about being thrust after 12 years from the majority party to the minority party, but if there was to be a Democratic Chair of the House Transportation and Infrastructure Committee, there is no one more deserving, in my opinion, perhaps in the history of the institution, than the gentleman from Minnesota (Mr. OBERSTAR). He really takes our committee, no matter what the issue, above partisanship to the goals of the Transportation Committee, and that is, safeguarding our waterways and building America.

And, lastly, while I'm saying nice things about people, I am pleased, Mr. Chairman, that the Speaker of the House, Mrs. PELOSI, has installed you as the Chairman of the Committee of the Whole for the consideration of this piece of legislation.

I rise in strong support of this bill. And I am especially proud of the ballast water provisions and the marine safety provisions located within the bill.

This bill will establish national standards requiring the treatment of ballast water to minimize the introduction of invasive species into the Great Lakes and other U.S. waters. The bill will build on a lot of work that has already been done. Those of us that are from the Great Lakes know very well the importance of this issue.

I am disappointed that we'll have a colloquy later with the chairman of the full committee relative to an amendment that was offered at the Rules Committee that would protect millions of recreational boaters from falling under a discharge permitting program designed for large oceangoing vessels. In the absence of this language, come September recreational voters will be facing fines of up to \$32,500 a day for violations of program rules. For more than 30 years, Mr. Chairman, both recreational and commercial vehicles were exempted from these programs, and I hope that the majority will join us to develop language addressing these understandings.

As well, when we get to the amendment portion of the bill, I have an amendment that I'm offering with Mr. BOUSTANY of Louisiana that addresses some of the concerns raised by the

ranking member, Mr. MICA, relative to waterside security for liquefied natural gas facilities.

Again, I want to thank the Chair of the subcommittee and the full committee for working with us. I want to thank Mr. BOUSTANY for his dogged work to make sure that we come up with a resolution that not only fits with the reality of assets that are available, builds on a long tradition that we established in 2005, but also permits us to move forward with the goal of attaining cheaper energy for Americans through the form of natural gas.

With that, Mr. Chairman, I thank the Chair very much and would reserve the balance of my time.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mrs. TAUSCHER) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2903. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

The SPEAKER pro tempore. The Committee will resume its sitting.

COAST GUARD AUTHORIZATION ACT OF 2008

The Committee resumed its sitting.

Mr. OBERSTAR. I would like to inquire how much time remains on each side.

The CHAIRMAN. The gentleman from Minnesota has 2½ minutes remaining. The gentleman from Ohio has 9½ minutes remaining.

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

Mr. LATOURETTE. Mr. Chairman, at this time, it is my pleasure to yield 3 minutes to a gentleman I mentioned in my opening remarks, the gentleman from Louisiana (Mr. BOUSTANY), who has been a true leader in the House of Representatives on this issue of shore-side and waterside security for LNG facilities.

Mr. BOUSTANY. I want to thank my colleague for yielding time and for his work with me on an amendment to this bill that I think will improve the bill.

I also want to thank the chairman and ranking member of the committee and the ranking member of the full committee for their work in bringing together a good bill.

I rise in support of the bill, but I want to emphasize that our Nation has a growing demand for natural gas, and this amendment that I'm going to offer with my colleague and friend, Mr. LATOURETTE, will help to ensure that we don't halt future domestic liquefied natural gas expansion.

Some localities have turned their backs on this promising energy solution. And if we're going to solve our energy problems in this country, we have to make sure that we diversify our sources to the fullest extent. In Louisiana, we have prided ourselves upon producing and delivering energy that all Americans rely upon, and liquefied natural gas is certainly no exception.

This past Monday, I was down in Cameron Parish on the coast of Louisiana in my district with Secretary Bodman for the opening of the first liquefied natural gas facility to be constructed in this country in over the past 25 years. And this facility, once fully operational, will be the largest liquefied natural gas facility in the world. It's going to supply approximately 5 percent of all U.S. natural gas needs when fully operational. It has two 42-inch pipelines that will connect to provide natural gas for 75 percent of all the markets in the United States. And within the next decade, 25 percent of all natural gas will run through my district.

So clearly, as we look at this bill, we should not have provisions that could potentially kill future liquefied natural gas expansion by arbitrarily legislating that no new facility can be certified unless the Coast Guard has the assets on hand to carry out the security measures. The Coast Guard does not need to do all of this. They have limited assets. And down in my district they have worked very well with local authorities, sheriff's department, other local authorities, to bring all assets to bear to provide the necessary security. The Coast Guard must be allowed to continue to have this ability to partner with local agencies and waterway users, state government, local law enforcement, to manage and protect our waterways.

The first delivery of natural gas into the newly constructed Sabine Pass facility that I just mentioned illustrates this point. The Sabine-Neches Navigation District manages the overall river maintenance. They help fund local law enforcement efforts. And the Jefferson County, Texas sheriff's department provides helicopter overflight security. Cameron Parish, just across the river in my district, provides the marine patrol supplement. And all of this is done under the approval and guidance of the Coast Guard. So we're not undermining what the Coast Guard does, we're merely enhancing what the Coast Guard is able to do to provide security.

□ 1100

A cooperative approach is working on the gulf coast. It allows the Coast Guard to work with Southwest Louisiana authorities and Texas authorities in this situation. We shouldn't handcuff these communities in this effort.

So I urge the adoption of the amendment as we go forward with this bill.

Mr. OBERSTAR. Mr. Chairman, could the gentleman yield 15 seconds?

The CHAIRMAN. The gentleman's time has expired.

Mr. LATOURETTE. I would be happy to yield 15 seconds to the distinguished gentleman from Minnesota.

Mr. OBERSTAR. Both gentlemen made a splendid statement on the issue and during the amendment process. Because of the persuasive case you've made, we are prepared to accept your amendment.

Mr. LATOURETTE. I thank the Chair.

At this time—if the gentleman is reserving his 2½ minutes—it's my pleasure to yield 3 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. I also want to commend the chairman, Mr. OBERSTAR, who is really interested in transportation issues, a good man of heart, and I applaud your leadership.

Mr. Chairman, this authorization bill brings 1,500 new Coast Guardsmen. We're proud of their service.

My debate, my concern, over the past 2 weeks, obviously, is energy and the increased cost of bringing on the 1,500 new Coast Guardsmen in addition to the burden on the government. It would be better if we had lower energy costs to help meet those needs, but we don't. We have higher costs.

Of course, the Coast Guard uses aviation fuel too, quite a bit of it. So does the United States Air Force. For every \$10 over a barrel, it costs our Air Force 600 million more dollars out of the budget. We know the burden on the Coast Guard helicopters. We know the cost to the Coast Guard ships that are diesel run. For every dollar increase in diesel fuel, it costs the Coast Guard \$26 million to operate.

And this is the kind of the charts I have been using over the past 3 weeks and will continue to use this ad infinitum until this country, which is the greatest country on the face of this Earth, does what other developing countries do: that we go and explore and use our own resources to meet our own needs.

We know that we are dependent upon imported crude oil. Shame on us. Shame on us when we have the ability to meet our energy needs.

And this is what happens: When this majority took over, the price of a barrel of crude oil was \$58.31. Today it dropped a dollar from last week, \$116. That's the problem. What's the problem at the pump? From \$2.33 to \$3.55. Bringing climate change legislation, 50 cents of additional tax on gasoline, we would be paying \$4.05.

What's the solution? One, use our abundant natural resources in our country, coal-to-liquid technologies. In Illinois alone we have 250 years' worth of energy just waiting to be brought on line, turned into liquefied fuel, lowering the cost of diesel to our Coast Guard, saving the taxpayers money.

But we won't move on any bill that brings on fossil fuels and expansion of fossil fuels on this floor. Shame on us.

What's another solution? The Coast Guard protects our coast. Look at the red area over there: the Outer Continental Shelf, ripe for exploration development, natural gas, crude oil. But, no, it's off-limits. We can't get there.

Think about Katrina. The Coast Guard performed admirably.

You know what we forget? Remember that big cloud that rolled up? Tell me the major ecological damage based upon all those oil platforms in the coast. Can you name one? No. Not a single one because we can do it safely. So we can do it safely in those areas. We should not have to burden the taxpayer with \$26 million of cost for allowing crude oil prices to go up. We shouldn't do that. And that's why it's important to lower our prices.

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

Mr. LATOURETTE. May I ask—I know the chairman has 2½ minutes—how much time do we have?

The CHAIRMAN. The gentleman from Ohio has 3¼ minutes.

Mr. LATOURETTE. I thank the Chair.

Mr. Chairman, I would yield myself such time as I may consume to engage in two short colloquies with the chairman of the full committee, if I may.

Mr. Chairman, first of all, would you be willing to enter into a colloquy regarding the withdrawal of funds from the seamen's accounts authorized under section 405?

Mr. OBERSTAR. I invite the gentleman to pursue this colloquy.

Mr. LATOURETTE. Thank you.

Mr. Chairman, it's my understanding that it is current practice for seamen on passenger vessels to be paid in cash. Section 405 authorizes the deposit of their pay into certain approved accounts. The section also requires that those funds be available for withdrawal. I understand that, as a practical matter, many seamen want to make sure that they can make those withdrawals in cash.

Would the chairman and the chairman of the subcommittee be willing to work with us in conference to clarify the amounts that can be withdrawn from those in cash up to the amount of a seaman's pay?

Mr. OBERSTAR. Most certainly. This is a 120-year-old practice in seafaring, and we ought to address that issue, as the gentleman has rightly raised it.

Mr. LATOURETTE. I thank the Chair.

The second colloquy, if you'd be kind enough to engage in a colloquy relative to the delegation of certain functions of the Coast Guard to classification societies.

Mr. OBERSTAR. Of course. Please proceed.

Mr. LATOURETTE. Mr. Chairman, the unnumbered section in your

amendment that replaces section 318 as reported by the Transportation and Infrastructure Committee adds a new subsection, subsection (d), to section 3316 of title 46 of the United States Code. Under paragraph (2) the Secretary may delegate the Coast Guard's authority to a foreign classification society "to the extent that" the government of the society's home country, one, accepts plan review, inspections, or examinations conducted by ABS, and, two, provides to ABS equivalent access to inspect, certify, and provide related services to offshore facilities under that country's jurisdiction.

I understand that some foreign countries do not use a delegation system but instead accept plan reviews, inspections, or examinations performed by classification societies as part of a comprehensive operating plan submitted by the offshore leaseholder. Concerns have been raised that the Secretary may construe acceptance of the ABS plan reviews, inspections, or examinations as part of those comprehensive plans to be something less than full acceptance of plan review, inspections, or examinations in the United States, thus limiting the work that classification societies headquartered in those companies could perform in the United States and limiting the work that ABS can perform in foreign offshore markets.

Would the Chair be willing to work in conference to clarify what constitutes fair and full access by ABS to work in foreign offshore markets and by foreign classification societies headquartered in countries which do not use delegation schemes to work domestic offshore markets?

Mr. OBERSTAR. I thank the gentleman for raising this very complex issue on which we've devoted an enormous amount of time and visited with the Norwegian Ambassador and other interests, the American Bureau of Shipping and others, and I'm committed to working with the gentleman to resolve this issue in an equitable and fair manner as we proceed forward with it.

Mr. LATOURETTE. I thank the Chair.

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

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I rise in strong support of H.R. 2830, the Coast Guard Authorization Act.

In November of last year, the container ship *COSCO BUSAN* collided with the San Francisco Bay Bridge and spilled 58,000 gallons of bunker fuel into San Francisco Bay. The spill was one of the worst environmental disasters in San Francisco Bay history.

I have included language in this bill that would require the Coast Guard to have marine pilots carry their own navigation devices, commonly known as Portable Pilot Units. These devices are an easy and practical way to im-

prove maritime safety and to protect our environment.

I want to thank the chairman of the subcommittee, Mr. CUMMINGS, and the chairman of the full committee, Mr. OBERSTAR, and the ranking member, Mr. LATOURETTE, for working with us to include this language. I think it's very important language that could prevent these kinds of accidents from happening in the future.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Chairman, there is no question that America entrusts the Coast Guard to secure and properly maintain and administer America's waterways and port facilities. The task before this Chamber today is not about oil prices. In fact, it's about the Coast Guard and their ability to quickly and effectively respond to intense demands.

Americans live along the coast, and they depend upon the Coast Guard to provide that layer of protection and security. In California, where the 11th District resides, 2,600 active and 3,500 volunteer auxiliaries have saved over 500 lives. Properly funding the Coast Guard's programs through this legislation of H.R. 2830 will not only enhance marine safety but reduce the risk of maritime terrorism on some of our Nation's most sensitive ports.

The CHAIRMAN. Each side has 30 seconds remaining.

Mr. LATOURETTE. Mr. Chairman, to close the debate on our side, and I hope that Homeland Security, if they don't use all their time, can give him more time, I yield 30 seconds to a distinguished member of the full committee, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Today is a great day for the Great Lakes and the coastal areas. Today is a terrible day for the zebra mussels.

And I want to thank Chairman OBERSTAR and Ranking Member LATOURETTE for their good work on this bill, because it contains measures to inspect and treat and exchange ballast water to prevent any more of those nasty invasive alien species from getting into this country, and into its waters. It now costs us about \$13 billion every year for the damage caused by invasive species. This bill will help stop any future species from coming in, and I hope we will be able to develop methods of treating these critters so that we can get rid of them and once again enjoy the pure waters of this country the way we should.

So thanks again to both of you for doing this, and let's get out there and fight those nasty zebra mussels!

Mr. OBERSTAR. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Washington (Mr. BAIRD).

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

Mr. BAIRD. I thank the Chairman for the time and applaud him for his leadership of the

Transportation and Infrastructure Committee. I also want to thank him and Subcommittee Chairman CUMMINGS for their work in bringing this bill to the floor.

I rise today in support of the Coast Guard Authorization Act. This bill makes important strides in strengthening the modern day mission of our Coast Guard and enhancing our national security.

Also included in this bill is language clarifying the rule related to the taxation of interstate waterway workers. Under current law, most employees whose jobs require them to work in multiple states, such as our rail and airline workers for example, are taxed only by their state of residence. This has previously not been true for waterway workers. In an effort to address the unsettled tax situation of waterway workers throughout the country, I authored legislation in the 106th Congress called the "Transportation Employment Fair Taxation Act." The legislation barred states from taxing a nonresident waterway worker "who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one state." As the House report for this legislation stated, the purpose of the legislation was to "prohibit any State from taxing the income of a non-resident interstate waterway worker." The Senate version of this legislation was signed into law on November 9, 2000.

Unfortunately, I have recently been made aware of a 2006 decision by one state's tax court that is inconsistent with the intent of the 2000 law. The court concluded that because the bill uses the word "of" instead of "in," it only applies the waterways that are owned jointly by more than one state. This was not the intent of the 2000 law. The legislative history at the time makes clear that it was not the intent of the law. And I know what the intent was because I authored the legislation.

The legislation before us today makes a slight wording change to the 2000 law to clarify that the law is intended to apply to all interstate waterway workers on all waterways, not just workers who work on waterways that are jointly owned by two or more states. It is my sincere hope that this minor change will, in no uncertain terms, make clear that states are prohibited from taxing the income of a non-resident interstate waterway worker. I want to make clear that this is the intent of the language in the bill before us today, and it remains the intent of the law I authored in 2000.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

I first thank the gentleman from Ohio for his very generous and very kind and thoughtful remarks. I greatly appreciate the camaraderie we share and the partnership in doing the work of the committee.

And I want to thank the gentleman from Michigan, who gave most insightful comment on this whole bill. It is a bad day for zebra mussels and spiny echinoderms and a whole host of other invasive species that we're going to deal with severely as this bill moves to enactment.

I do want to observe that the gentlewoman from California (Ms. WOOLSEY) is concerned about five Bay Area light-houses, Point Montara, Alcatraz Island, Lime Point in Fort Baker, Point

Diablo, and Point Bonita, and we will work with the gentlewoman and the Coast Guard to expedite transfer of those Coast Guard facilities to the U.S. Park Service.

And, again, I want to say, as I did at the outset, we took our time all through last year and part of this year to craft a splendid bill in an inclusive manner, hearing out the concerns of the Coast Guard and addressing extensively the concerns of the Republican members of the committee to be thorough and produce the best bill possible, and we are happy to bring this bill in good time to the House floor today.

The CHAIRMAN. Pursuant to the Chair's prior announcement, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Mr. LUNGREN) each will control 10 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I believe the gentleman from California wants to engage in a colloquy, so I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman from Mississippi, and before we begin our debate on the Coast Guard Authorization Act for 2008, I yield myself such time as I may consume for the purposes of a colloquy with Mr. THOMPSON.

Mr. THOMPSON, would you please join me in remembering the sacrifice of Damage Controlman Third Class Nathan B. Bruckenthal of the U.S. Coast Guard, who was killed off the coast of Iraq on this date in 2004? He was the first U.S. Coast Guardsman to have been killed in battle since the end of the Vietnam War.

I yield to the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. I thank the gentleman for yielding.

Mr. Chairman, Petty Officer Bruckenthal and two Navy petty officers were killed during a coordinated suicide attack on the oil platforms off the coast of Iraq. These men offered what President Lincoln referred to as "the last full measure of devotion" for their country.

□ 1115

Mr. DANIEL E. LUNGREN of California. Reclaiming my time, Petty Officer Bruckenthal is survived by his wife Patricia and their daughter Harper. We all join in thanking them for their sacrifice. Petty Officer Bruckenthal represented the very best of the U.S. Coast Guard and what it has to offer.

With that, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2830 is an important milestone in protecting our Nation's port and maritime security. It is the first bill to provide adequate resources to an agency that has been systematically underfunded for years. H.R. 2830 authorizes 1,500 additional

Service Members, more Maritime Security Response Teams, more Canine Detection Teams, and the Waterway Watch program.

This bill was favorably reported by my committee on a bipartisan basis last fall. Representative KING and I share a commitment to the Coast Guard. I am pleased that we were able to work together to give the Coast Guard the resources it needs. For too long, the Coast Guard has had to make do with aging assets that do not meet the challenges of a 9/11 world. The Coast Guard is actually still operating boats that were used during World War II. It is time that these boats were retired and newer assets brought into service. These boats, however, must work.

Unfortunately, the Coast Guard has accepted, under the Deepwater contract, boats that can't even float. That is unacceptable. The American public and the men and women of the Coast Guard deserve better. The Homeland Security Committee has added the Deepwater reform provisions during our markup to get this critical program back on course.

I would like to thank Chairman OBERSTAR and Chairman CUMMINGS for displaying a willingness to work with me to bring this bill to the floor. I urge passage of this important legislation that will significantly improve the security of our Nation's maritime environment.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me thank Chairman THOMPSON for his and his staff's hard work in reporting a bill from our Committee on Homeland Security in September that I believe was the result of solid bipartisan compromise, and for Chairman THOMPSON's continued cooperation over the past several months as the committee worked to bring this bill to the floor.

Obviously, we have heard from those of the Transportation and Infrastructure Committee many of the good things in this bill. I must say, however, I am disappointed that the Transportation and Infrastructure Committee largely ignored the committee on Homeland Security's improvements, particularly to those provisions relating to LNG security.

While our committee's approach was reasonable and risk-based, as we have attempted to approach all of our problems with respect to homeland security, that is with a risk-based approach, the language adopted by the other committee, I fear, abandons the risk-based approach and assumes a cookie cutter, one-size-fits all approach.

My friend from Ohio (Mr. LATOURETTE) has an amendment that would clarify that State and local resources can be considered when identifying resources available to provide the newly mandated security patrols, and I would hope that his amendment would be adopted.

I am also very concerned about two entire titles that were added to the bill after they were considered by four committees of jurisdiction. A new title X shifts 80 percent of the Coast Guard's Administrative Law Judge resources and several of the Coast Guard's ALJ authorities to the National Transportation Safety Board. This is being proposed as over 1 million TWIC cards are being issued to our rail, truck, and port workers. These are those biometric cards that we have spent so much time developing and hoping that it would finally get in place.

The effect of this provision, I fear, could leave only two ALJs, that is Administrative Law Judges, to hear any appeals to TWIC denials. That has been one of the great concerns we have had. If we have this TWIC system set up, how can people appeal if they have been denied their TWIC cards. This would dramatically slow the appeals process, to the detriment of port security and our Nation's port workers, who are relying on a timely adjudication of a TWIC for their livelihood.

As a recent letter from TSA opposing this proposal states, "ALJs at the Coast Guard have built up expertise in transportation security matters, and I fear this provision will negatively impact not only TWIC, but other programs as well, including hazardous materials endorsement, and may result in even higher fees for these workers."

Mr. OBERSTAR. Would the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield, yes.

Mr. OBERSTAR. Just briefly to clarify that point. We do not transfer ALJs from the Coast Guard. We leave those in place, just transfer the venue, and we will provide both in this bill and in the subsequent NTSB authorization funding for additional ALJs at the NTSB, as we did in aviation.

Mr. DANIEL E. LUNGREN of California. I hope that is true, reclaiming my time.

Mr. OBERSTAR. I just tell the gentleman that is the case.

Mr. DANIEL E. LUNGREN of California. Well, the effect of the provision is to take 80 percent of the resources that are currently allocated to the ALJ, Administrative Law Judge program, and that in effect would make it very, very difficult for them to continue, since they have a total of seven ALJs, and if you take 80 percent of the funding, I believe that would leave us with about 20 percent.

I would like to include a copy of this letter from TSA in the RECORD.

U.S. DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION,

Arlington, VA.

Hon. PETER T. KING,
Ranking Member, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KING: I am writing to express the Transportation Security Administration's (TSA) strong opposition to Title X—Appeals to National Transportation Safety Board (NTSB) of the manager's amendment to H.R. 2830, the "Coast Guard Authorization Act of 2007." Title X would transfer

Coast Guard Administrative Law Judge (ALJ) authority for review of merchant mariner documentation and 80 percent of the Coast Guard ALJ budget to the NTSB. This could have an adverse impact upon the adjudication of TSA's civil enforcement cases and anticipated cases dealing with the Transportation Worker Identification Credential (TWIC) program.

TSA questions whether sufficient legal, administrative, and budget resources will continue to be provided to the Coast Guard to support its remaining ALJ functions, including adjudication of TSA security cases.

For more than 5 years, TSA has been extremely well served by the Coast Guard ALJs as fair, impartial, and responsive adjudicators in security cases involving individuals in the transportation sector. Under an interagency agreement, Coast Guard ALJs play a major role in TSA's enforcement and security credentialing programs. They adjudicate aviation security civil penalty cases, Hazardous Materials Endorsement (HME) and TWIC denials of requests for waivers and appeals from individuals who have received a Final Determination of Threat Assessment; appeals by air cargo workers who have received a Final Determination of Threat Assessment; and appeals by individuals holding or applying for Federal Aviation Administration certificates, ratings, or authorizations who have received a Final Determination of Threat Assessment.

In the absence of sufficient ALJ legal and administrative resources at the Coast Guard, TSA does not regard NTSB ALJs as a good alternative. Coast Guard ALJs have substantial expertise in fair adjudication of security programs. NTSB ALJs do not have expertise in transportation security matters. As TSA continually expands the implementation of the TWIC program and the Coast Guard enforces it at our Nation's seaports, TSA and TWIC applicants will benefit from the substantial experience Coast Guard ALJs have in the maritime security environment.

In addition, Coast Guard ALJs have been sensitive to the challenges faced by individuals representing themselves in a formal administrative process and have worked with TSA to develop simplified procedures.

TSA and Coast Guard have worked together for years to establish caseload management procedures, agreements, and funding processes to efficiently handle TSA cases. For example, the Coast Guard serves as TSA's Docketing Center for its formal hearing process. Shifting the workload to ALJs of another agency would create a huge setback for TSA enforcement and administration. ALJ coverage, budgeting, processing time, and even geographic availability would have to be reassessed and reestablished, a process that may take several years.

In addition, TSA's HME and TWIC are fee-based programs. TSA developed its fee models based on Coast Guard cost estimates and processing models. If conditions necessitate TSA's seeking ALJ services outside Coast Guard, this could affect program costs, and consequently, fees for applicants.

I would appreciate your consideration of TSA's concerns about the potential adverse impact of Title X on the efficient adjudication of important TSA security cases.

Identical letters have been sent to the Chairman of the House Homeland Security Committee as well as the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure. Please do not hesitate to contact Ms. Claire Heffernan, Acting Assistant Administrator for Legislative Affairs, at (571) 227-2717 if you have any questions about this matter.

Sincerely yours,

KIP HAWLEY,
Assistant Secretary.

The second new title, title XI, creates an assistant commandant for marine safety and a vast new super structure, including Marine Safety Specialist, that receive special benefits such as geographic stability and special promotion system. It provides for the possibility of additional pay for Coast Guard personnel in the marine safety field. Unfortunately, with no regard for those Coast Guard men and women engaged in other critical, dangerous missions like search and rescue, national defense, and port security. I wonder if we really want to do that.

It appears to elevate the Coast Guard's marine safety mission above all others. Most notably, the Commandant of the Coast Guard has real and serious concerns about this reorganization language that has never been considered by any committee, to my knowledge. I would think we would want to seriously deliberate these provisions in an open forum and give the Commandant an opportunity to voice his concerns to the Congress.

Mr. BROUN of Georgia has introduced an amendment stripping these two problematic titles so they can be considered on their merits by the appropriate congressional committee, and I am pleased that his amendment has been made in order.

Other improving amendments offered by the Committee on Homeland Security members include Mr. BILIRAKIS of Florida, an amendment to make the Coast Guard's incredibly successful biometric identification pilot program more permanent. I hope this amendment is adopted. It will help us positively identify individuals with weapons, drug trafficking, and murder convictions, and help us keep them out of the United States.

Both Mr. POE and I are offering an amendment with language to make operations of the stealth mini submarines illegal. These subs, which can carry up to 10 tons of cocaine into the United States, and have done so, would be equally capable of transporting weapons of mass destruction or would-be terrorists. They are immediately scuttled, once detected, making prosecution nearly impossible. So I hope that this amendment, when considered, would be approved on this floor.

If these concerns are not adequately addressed here on the House floor, I would look forward to working with the Senate in a conference to ensure that the men and women of the Coast Guard have the resources it needs to continue to protect the citizens of the United States. The Coast Guard is one of the jewels of our overall executive branch, particularly in DHS, and this bill, this reauthorization bill recognizes that. Although it has some defects, as I mentioned, I hope we can work those out.

With that, I would reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, for the sake of clarifying an issue brought up, I would like to yield

15 seconds to the chairman of the full T&I Committee, Mr. OBERSTAR.

Mr. OBERSTAR. I just wanted to reaffirm for my colleague in the Hip Replacement Caucus from California that when we transferred authority from the FAA to the NTSB for aviation appeals, we provided authority, funding, and we went to the Appropriations Committee to seek additional moneys, and were successful in doing that. We are committed to doing the same in the case of the Coast Guard. Again, we will provide in the NTSB authorization additional ALJ personnel for these appeals.

Mr. THOMPSON of Mississippi. Mr. Chairman, I recognize the gentleman from Rhode Island (Mr. LANGEVIN) for 2 minutes.

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

Mr. LANGEVIN. Mr. Chairman, I rise today in strong support of the Coast Guard Reauthorization Act of 2008, H.R. 2830, which will allow the Coast Guard to appropriately balance its dual missions of safety and security. In the past few years, we have increasingly depended on the Coast Guard to ensure our shores against drug smuggling, acts of terrorism, and other suspicious activity, while simultaneously keeping recreational and commercial boaters safe.

Unfortunately, the Coast Guard has been required to do more with less. This important measure will reverse that trend by providing an additional 1,500 Coast Guard personnel and \$8.4 billion in increased funding to ensure that the Coast Guard can carry out all of these responsibilities successfully. I am particularly pleased this bill will increase oversight and efficiency of the Transportation Worker Identification Credential, or the TWIC program as it's known, which has encountered numerous problems since its inception nearly 6 years ago. Many businesses, particularly those in my home State of Rhode Island, particularly those hiring seasonal and temporary employees have experienced economic hardship under the program. But the bill before us will help fix many of the problems associated with the TWIC program.

Finally, H.R. 2830 will require the Coast Guard to protect and enforce security zones around all existing liquefied natural gas, or LNG facilities, and encourages State and local entities to assist the Coast Guard with this important mission. This provision will allow LNG facilities to safely operate in densely populated areas, such as those in my home State of Rhode Island.

In closing, Mr. Chairman, I commend both Chairman THOMPSON and Chairman OBERSTAR for their leadership in bringing this bill to the floor today, and I urge my colleagues to support the measure.

Mr. DANIEL E. LUNGREN of California. At this time, Mr. Chairman, I would like to yield 2 minutes to the gentleman from Michigan.

Mr. KNOLLENBERG. I thank the gentleman from California for yielding time.

I rise today in defense of the most important resource in my home State of Michigan, the Great Lakes. The Coast Guard bill contains a measure that will strengthen ballast water treatment requirements for oceangoing ships. For years, these ships have brought with them the scourge of invasive species. I am proud to support these new treatment requirements and consider them an important move to protect our Great Lakes waters for generations to come.

While not all invasive species have made their way into the Great Lakes through untreated ballast water, ballast water still remains one of the most common avenues into the Great Lakes for destructive aquatic invasive species. The ballast water treatment provisions included in this bill will go a long way toward keeping invasive species out of the lakes. Requiring ships to exchange their ballast water 200 miles outside the U.S. will help solve the problem in the short term before ships are required to have the ballast water treatment equipment installed in their ships in 2015.

We in Michigan face threats to our Great Lakes from many angles, from those who try to pollute them, to those who try to take our water. I am proud today that we have successfully strengthened the ballast water treatment requirements that will protect the health of our Great Lakes.

I thank, again, the gentleman from California for yielding time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank both Chairman OBERSTAR and of course Chairman THOMPSON and Subcommittee Chair ELIJAH CUMMINGS on this Coast Guard bill that all of us have worked on. As the Chair of the Transportation Security Subcommittee of Homeland Security, I can assure you that the idea of overcoming the administration's veto on the question of LNG security is going to be an important stand today as we vote for this bill.

□ 1130

The language that speaks to the LNG security is a fair statement. It gives the Coast Guard flexibility. It allows them to make an assessment, and it is the right thing to do. Coming from the City of Houston, with a very large port, I understand the need to protect the surrounding communities and the importance of LNG security.

In addition, I am grateful that I have an amendment going forward that will help expedite the TWIC card for so many who have not yet gone through the process, to make an assessment by

the Coast Guard of the necessity of more resources, of keeping the facility open 24 hours a day and making sure that this TWIC process goes in order to secure those.

I am also grateful that we have increased the Coast Guard overall to 47,000 and that the underlying bill refocuses on the value of the Coast Guard, both in terms of their standard duties, but also the new enhanced duty for security.

I hope that as we move TSA administrative law judges, however, that we will find a way to ensure that TSA is not impacted negatively and that we will have oversight to ensure that this process will continue to work.

Again, Mr. Chairman, this is an important legislative initiative. This again is the Homeland Security Committee and the Transportation Committee and the two chairpersons and committee members working harmoniously together, recognizing that the bottom line of what we do on the floor today and what we do for the American people is to ensure their security. We have done that today.

I ask my colleagues to enthusiastically vote for this legislation.

Mr. Chairman, I rise in strong support of H.R. 2830, the Coast Guard Authorization Act of 2007, introduced by my distinguished colleague from Minnesota, Representative OBERSTAR. This important legislation will provide our Nation's Coast Guard with the resources it needs in order to successfully execute all its missions.

As a member of the Homeland Security Committee, I believe protecting our Nation by air, land, and sea to be critical to our national security interests. This bill, the Coast Guard Authorization Act of 2007, sets forth various provisions that will be beneficial to our maritime interests, and consequently to our national security. Included in the provisions are the establishments of grants for international maritime organizations, the establishment of the Merchant Mariner Medical Advisory Committee, and codified various provisions relating to Coast Guard personnel matters.

For some years now, I have been concerned about the diversion of Coast Guard resources from their historic missions of search and rescue and marine safety, to homeland security missions. Since the creation of the Department of Homeland Security, and the Coast Guard's inclusion in the Department, one of the greatest challenges has been ensuring that the funds that the Coast Guard have traditionally received in order to perform their duties remain intact so that they can fulfill the responsibilities that American citizens rely on them to perform, namely ensuring the safety of our Nation's seas, lakes, rivers, and ports.

Mr. Chairman, we have to ensure that the Coast Guard will get their full funding which is absolutely necessary to carry out their responsibilities, and that is precisely what this legislation does. This act authorizes appropriations for FY2008 for the Coast Guard. Furthermore, this act also authorizes the FY2008 levels of Coast Guard active duty military personnel and average military training student loans, allowing for sufficient human resources for the Coast Guard to achieve its designated goals.

This bill explicitly authorizes end-strength by 1,500 members to 47,000 and increasing Coast Guard funding to \$8.4 billion which has not been done since the 1970s.

The act also includes provisions regarding shipping and navigation, vessel size limits, maritime drug law enforcement, fishing vessel safety, liability limits for natural gas deepwater ports, claims against the Oil Spill Liability Trust Fund, dry bulk cargo rescue, merchant manner matter, and security.

Mr. Chairman, I was pleased to work with Chairman THOMPSON and offer an amendment during our Homeland Security Committee markup to this important legislation, which I felt improved the bill. My amendment mandated the creation of a strategic plan to utilize assistance programs to assist ports and facilities that are found by the Secretary not to maintain effective anti-terrorism measures. I am also offering an amendment on the House floor today calling on the Secretary of Homeland Security to examine the challenges and delays faced by transportation workers seeking to obtain TWIC cards at enrollment sites and mandates the development of timelines and benchmarks for implementing the findings of this assessment.

Mr. Chairman, every year, 95 percent of the goods coming into the United States arrive at our Nation's seaports. These goods are shipped from ports around the world, some from developed countries and others from developing countries. I am particularly concerned about ports in developing countries. Developing countries have limited resources which means their ability to maintain effective anti-terrorism measures is limited.

We cannot allow terrorists to exploit this limitation. Rather, we should work with developing countries and others to build up their anti-terrorism measures. This assistance will benefit all of us. The developing countries will gain the support they need, and we will close a potential gap in our own supply chain. Every gap we close is one less gap that can be exploited by terrorists. I am pleased that this bill requires the Department of Homeland Security to develop a strategic plan to utilize existing assistance programs to assist foreign ports and facilities that are found by the Secretary not to maintain effective anti-terrorism measures. This bill furthermore authorizes the Coast Guard to lend, lease, and donate equipment and provide technical training to non-compliant foreign ports or facilities. The multiple layers of security enhancement authorized in this legislation will minimize the ability of terrorists to target to maritime commerce and negatively impact the global supply chain.

I am pleased that the Coast Guard Authorization Act of 2007 includes specific provisions relating to Minority Serving Institutions (MSIs). Within this legislation, MSIs are defined as a historically Black college or university, a Hispanic serving institution, a Tribal College or University, a Predominantly Black institution, or a Native American-serving institution. Section 901 of this important legislation states that the Commandant shall establish a management internship program for students at MSIs, enabling them to intern at Coast Guard headquarters or Coast Guard regional offices in an effort to support the development of civilian, career-midlevel, and senior managers for the service. This legislation furthermore instructs the Coast Guard to work with the National Association for Equal Opportunity in Higher Education, the Hispanic Association of Colleges

and Universities, and the American Indian Higher Education Consortium to create this internship program and authorizes \$2 million to be appropriated to this program.

Mr. Chairman, I have long stressed the importance of including this Nation's MSIs in the effort to secure our Nation. Section 903 of this legislation states that the Commandant shall establish Guard. Laboratory of Excellence-MSI a Coast Cooperative Technology Program at three minority serving institutions to focus on priority security areas for the Coast Guard, such as global maritime surveillance, resilience, and recovery. It also calls on the Commandant to encourage collaboration among the minority serving institutions selected to participate in the cooperative technology program and institutions of higher education with institutional research and academic program resources and experience. These and other measures included within this bill are absolutely imperative as the Office of Workforce Planning has recently revealed that only 5 percent of the officer corps is African American and only 12 percent of the officer corps is comprised of ethnic minorities, while in the last 3 years the numbers of minority ascensions have actually decreased.

The Coast Guard Authorization Act of 2007 also increases oversight and efficiency of the TWIC program, which was originally mandated 6 years ago, yet continues to flounder. To date only 230,000 out of an estimated 845,000 applicants have enrolled in the TWIC program, while the deadline for enrollment is September 25, 2008. While this provision of the Coast Guard Authorization is both timely and important, there is still more which must be done in order to ensure that the program is both effective and efficient, which is why I have offered an amendment.

I would like to reiterate only a few of the obstacles that workers have faced in my State of Texas as well in my district of Houston. For example, a marine worker enrolled at the Houston Port enrolled on December 13, 2007. To date, he still does not yet have a TWIC card. He remained on hold for 4 hours and 10 minutes and was finally told by the operator that he would have to return to Houston to be fingerprinted again after APR. Incidentally, a representative of Higman Marine Services, Inc. asked the same question about their employee, and she was told that he should not return until June. This blatant inconsistency in service and information is simply unacceptable. Furthermore, another transportation worker went to the Beaumont center about three weeks ago to pick up his TWIC after being notified it was ready. He traveled from Hemphill, TX (117 miles) and was told that the card was accidentally shipped to Houston and he could drive there (85 miles) to pick it up. He presently does not have his card. The list of incidences in which workers have to continually overcome structural impediments is too long for me to name. It is from my concern for these workers that I have introduced my amendment.

My amendment calls for the Secretary of Homeland Security to compile an assessment of the enrollment sites for transportation security cards issued under 7 section 70105 of title 46, United States Code within 30 days of enactment. The assessment should, at a minimum, examine: the feasibility of keeping those enrollment sites open 24 hours per day, and 7 days per week, in order to better handle

the large number of applicants for such cards; the feasibility of keeping those enrollment sites open after September 25, 2008; and the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

My amendment furthermore calls on the Secretary of Homeland Security to develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary. By identifying the areas in which enrollment sites for homeland security cards are ineffective and inefficient and creating a timeline through which to implement necessary changes and benchmarks to ensure their progress and accountability, we will make this Nation a safer place accessible to labor and operations alike.

Mr. Chairman, the Transportation Security Administration has expressed some concern over Title X of this legislation. Title X would transfer Coast Guard Administrative Law Judge (ALJ) authority to review merchant mariner documentation as well as 80 percent of the ALJ budget to NTSB. I understand the TSA's concern that such a step might have an adverse impact on anticipated cases dealing with TWIC and adjudication of TSA's civil cases, and I am committed to working with TSA to ensure that the execution of this legislation is beneficial to all parties involved.

Long before the horrific events of September 11, 2001, citizens of American relied upon the Coast Guard to ensure the safety of our waterways, and we depend on them still. Therefore, I urge my fellow members of Congress to also support the Coast Guard Authorization Act of 2007 and ensure this rich and necessary tradition remains a thriving and useful part of not only our national defense strategy but also to protect us and the environment from those threats by sea.

The CHAIRMAN. The Chair would advise that the gentleman from California has 30 seconds remaining and the gentleman from Mississippi has 3¾ minutes remaining.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ), who has been a leader on this issue on the committee, as well as one who is vitally interested in the reporting of various sexual assaults at the Academy.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank both my chairmen for the time.

I rise today in support of H.R. 2830, the Coast Guard Reauthorization Act. As the chairwoman of the Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism, I have the jurisdiction over the Coast Guard's security missions. I am very pleased that the Homeland Security Committee had the opportunity to mark up this legislation and that we included several provisions that will strengthen the Coast Guard's maritime security activities.

This bill increases the Coast Guard's end strength by 1,500 members to ensure that there are adequate personnel

to carry out all of the Coast Guard's missions. This addresses my long-standing concerns about inadequate staffing at the Coast Guard.

The legislation also requires the use of security zones around all liquefied natural gas, or LNG, facilities. This is a critical step in stopping these facilities from becoming targets as the number of LNG imports increases.

This bill will also improve the lot of the Transportation Worker Identification Credential, or the TWIC, by providing more facilities where workers can submit their fingerprints so they can enroll in TWIC more efficiently and meet the September 25, 2008, deadline. This affects 650,000 port workers. In addition, the legislation enhances oversight of TWIC by requiring reports to Congress and the GAO on ongoing program implementation.

H.R. 2830 requires the establishment of an additional maritime security response team. Currently there is only one in the Nation, and it is based on the east coast. It makes sense to have a second one, because, of course, there are plenty of people on the west coast, and we need it.

I urge all of my colleagues to support this legislation and its many provisions. It strengthens the security operations and the safety operations that our Coast Guard does.

Thank you, Mr. Chairman. I want to thank all of those who worked so hard on this bill.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I have no more speakers. If the gentleman from California has no more speakers, then I am prepared to close after the gentleman closes.

The CHAIRMAN. The gentleman from California is recognized for 30 seconds.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I submit for the RECORD two more letters, one from the Commandant of the Coast Guard and one from four retired admirals of the Coast Guard.

Mr. Chairman, let me just repeat some language contained in the Director of TSA's letter to Congressman KING, the ranking member of Homeland Security, about the concern I have again about this ALJ question.

"In the absence of sufficient ALJ legal and administrative resources at the Coast Guard, TSA does not regard the NTSB ALJs as a good alternative. Coast Guard ALJs have substantial expertise in fair adjudication of security programs. NTSB ALJs do not have the expertise in transportation security matters."

What I have been trying to point out is my concern about the TWIC program, that all of us on a bipartisan basis here in the House and the Senate have tried to get up and running. I am afraid that while I appreciate the gentleman from Minnesota's clarification

of his intent to do something in the future, I am concerned about the expertise being removed at a time when we need it.

U.S. DEPARTMENT OF HOMELAND SECURITY, UNITED STATES COAST GUARD,

Washington, DC, April 23, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives,
Washington, DC.

DEAR CHAIRMAN OBERSTAR: On April 18, the Committee filed with the Rules Committee an amendment in the nature of a substitute to H.R. 2830, that would be retitled the "Coast Guard Authorization Act of 2008." During numerous meetings and staff-level discussions over several months, we have described how a number of provisions that appear in this amendment would compromise organizational efficiency and operational effectiveness, diminish my command and control, and ultimately reduce the Coast Guard's effectiveness in carrying out its safety, security, and stewardship missions. We have expressed these and other concerns in Department of Homeland Security views letters concerning earlier bill language. The amendment also contains provisions neither previously shared nor discussed with the Coast Guard.

One provision requiring that the Coast Guard provide security around liquefied natural gas terminals and tankers is contrary to the existing assistance framework, at odds with accepted risk management practices, and would divert finite Coast Guard assets from other high-priority missions. I recommend a broader discussion of security measures for all extremely hazardous cargoes. In the Statement of Administration Policy on H.R. 2830, the Administration has stated that, if the bill is presented to the President with this provision, his senior advisors would recommend that he veto the bill.

Among the others is one that, while similar to the Administration's proposal, fails to authorize the President to appoint officers to positions of importance and responsibility to accommodate organizational change in the future (Admirals and Vice Admirals). Others, primarily involving our important marine safety mission, would statutorily fix the designation and duties of other senior Coast Guard officials and officials at all levels of command, and prescribe inflexible personnel qualification requirements. Still other provisions would diminish the Coast Guard's capacity to adjudicate merchant mariner licensing matters efficiently and effectively and support other vital security adjudications of the Department of Homeland Security (Appeals to National Transportation Safety Board). Still more provisions would prescribe contracting and acquisition practices for the Deepwater program, thereby increasing the cost of, and adding delay to, the Deepwater acquisition process, as well as circumventing the review and approval authority of Coast Guard technical authorities (Coast Guard Integrated Deepwater Program).

Among the new provisions is one that dramatically alters admission procedures for the U.S. Coast Guard Academy. While I have discussed Academy admissions several times with Chairman Cummings and we agree that our process should yield successful cadets and reflect our diverse society, the proposed Congressional nomination process deserves full discussion and deliberate consideration. Other new provisions that affect how we execute our missions deserve similar scrutiny. Conversely, the bill omits the Administration proposal for much needed enhanced au-

thority to prosecute those who would smuggle undocumented aliens into the United States by sea (Maritime Alien Smuggling Law Enforcement Act) and the Administration's proposal to protect seafarers who participate in investigations and adjudication of environmental crimes or who have been abandoned in the United States (Protection of and fair treatment of seafarers).

Over the last year in the course of hearings, personal meetings with you, and regional forums with industry, as well as in my public statements, I have assured you and the public that we share a common objective: a robust marine safety program suited to meet the evolving demands of industry and the marine public. I am already taking aggressive steps to right the balance between our marine safety mission and our other vital responsibilities, and improve the effectiveness, consistency, and responsiveness of our marine safety program, consistent with the framework I presented to you last September. Legislation such as the provisions I describe above was unnecessary to start this process. As I have stated on several occasions, I am the Commandant and am accountable to you to produce the changes needed to improve program performance.

Including these provisions and others in an Authorization Act that would otherwise be welcome compels me to strongly oppose the bill.

Sincerely,

T.W. ALLEN,
Admiral, U.S. Coast Guard,
Commandant.

APRIL 15, 2008.

DEAR ADMIRAL ALLEN: We are sending you this letter to express our gratitude for the personal attention you have given Coast Guard's Marine Safety program the past several months. Industry and Congressional concern for Coast Guard performance of this vital mission needed addressing from the top. Your personal outreach to the stakeholders as well as the plans your staff developed to improve the program are making a difference. We fully support the Marine Safety Enhancement Plan delivered to Congress on September 25, 2007. This plan appropriately targets the concerns that have been voiced by both industry and Coast Guard members, and we are seeing progress towards addressing those concerns. We have also been closely following the Coast Guard's historic modernization efforts. Your Headquarters organization modernization plan provides the appropriate level of focus and visibility to implement the marine safety program enhancements.

We fully support Congressional commitment to hold the Coast Guard accountable for mission performance in Marine Safety, as in all other missions. At the same time, we believe that you need to have maximum flexibility in managing Coast Guard forces to achieve mission success. To achieve that degree of flexibility, the Coast Guard should continue its integrated approach to maritime safety, security, and stewardship to ensure our country's Marine Transportation System (MTS) operates safely and efficiently.

Above all, we applaud the Coast Guard and the Administration's request for additional resources to address Marine Safety mission requirements. By increasing capacity and expertise, the Coast Guard will be able to keep stride with the rapidly growing MTS and provide the level of services that maritime stakeholders expect and deserve.

We stand ready to assist in achieving the Coast Guard's Marine Safety goals.

Sincerely,

VADM JAMES C. CARD,
U.S. Coast Guard, Ret.

RADM PAUL J. PLUTA,
U.S. Coast Guard, Ret.
RADM ROBERT C. NORTH,
U.S. Coast Guard, Ret.
RADM THOMAS H.
GILMOUR,
U.S. Coast Guard, Ret.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support H.R. 2830, not only for what it does to enhance port security, but also for what it does to get the Deepwater program back on course. As someone who cares about the Coast Guard, it has been disturbing to see the mismanagement of the Deepwater program.

This year, a \$24 billion effort to modernize the Coast Guard's fleet has suffered delays, cost increases and design flaws that ultimately culminated in the idling of eight patrol boats. By the time that these problems were discovered by both the Inspector General of DHS and the Comptroller General, \$88 million had been wasted. Both Federal watchdogs have said that program failures were due to the excessive leeway given the program contractors.

H.R. 2830 includes provisions that protect American taxpayers by forcing the Coast Guard to, for the first time, manage this contract. Regrettably, the administration in its Statement of Administration Policy denounced the Deepwater provision, which, incidentally, was approved by the House on a vote of 426-0 on July 23, 2007. We cannot allow the Coast Guard to continue on a poorly navigated course. H.R. 2830 will steer the Deepwater procurement process in the right direction.

Mr. Chairman, for this reason and dozens of others, I urge my colleagues to join me in supporting H.R. 2830.

Ms. LEE. Mr. Chairman, I rise today in support of H.R. 2830, the Coast Guard Reauthorization Act of 2007, which makes significant strides in supporting the invaluable work of the United States Coast Guard.

I applaud the many improvements that this legislation will make to Federal policy in protecting our coastal environment, strengthening security in our Nation's ports, and providing the tools and resources necessary for rapid emergency response and coordination.

The collision of a containership with the San Francisco Bay Bridge near my district, and the resulting oil spill that spread throughout the Bay, raised many questions about maritime policy in our Nation's coastal waters and ports. Commendably though, the committee field hearing examining the Federal response to the oil spill also provided potential answers to these questions.

I am pleased to see that many important provisions were included in H.R. 2830 to improve our water vessel traffic systems, sharpen incident response, and tighten environmental and security requirements. H.R. 2830 will mandate double hulls for new container vessels with large oil capacities, reducing the risk of spills and contamination, and protecting animals, plant life, and local economies from the harmful impact of such disasters.

I also strongly support the provision added by my colleague, Rep. TAUSCHER, which authorizes the Coast Guard to issue regulations

that require bar pilots to carry portable navigational devices when they are navigating large container and tanker ships. These portable devices provide pilots accurate and necessary information to safely navigate their ships, and are critical to preventing future accidents like the one that occurred in the San Francisco Bay.

As a longtime advocate of bringing common sense to our national security priorities, I am also pleased to acknowledge the important steps this legislation takes to securing our ports and the safety of communities that live around them. H.R. 2830 takes critical steps to safeguard nuclear materials by establishing a pilot program to employ preventive radiological/nuclear detection equipment on Coast Guard vessels.

Mr. Chairman, it is important to note that many States, including California, have been at the forefront of efforts to more effectively protect and manage our coastal waters. For instance, the Port of Oakland in my district was the first port in the United States to require that ships exchange their ballast water with seawater before entering the bay—a regulation that is now widely considered a critical measure of defense against invasive and non-indigenous species. Moving forward, we must work to ensure States can successfully complement Federal regulations in the future, to enhance coordination, and to provide a more comprehensive policy for protecting our waters.

Mr. Chairman, I am also pleased that this bill will support Coast Guard efforts to diversify its workforce, by helping to build valuable partnerships between the Coast Guard and minority serving institutions. In 2006, just 16 percent of the Coast Guard Officer Candidate School graduates were minorities. Programs such as the Minority Serving Institution Management Internship Program, will recruit students from Historically Black Colleges and Universities, Hispanic-serving institutions, and tribal colleges, among others, and help to develop a new and diverse generation of civilian managers and Coast Guard Officers.

The establishment of a Coast Guard Laboratory of Excellence-MSI Cooperative Technology Program at three minority-serving institutions will assist in modernizing the Coast Guard's security programs while increasing the number of minority graduate degree holders in science, engineering, mathematics, and information technology—all fields that are critical to the mission of the Coast Guard.

Mr. Chairman, I stand in strong support of H.R. 2830, and I urge my colleagues to support it.

Mr. DINGELL. Mr. Chairman, I rise today in support of H.R. 2830, the Coast Guard Authorization Act of 2007. This bill has many provisions which will improve homeland security, ensure safe navigation and enhance shipping reliability, among other measures. However, I would particularly like to draw my colleagues' attention to the ballast water protections in this bill.

As a member who hails from the Great Lakes State, I am perhaps more familiar than most with the havoc invasive species can reap on our waterways. I would note that in its 2005 report, the Great Lakes Collaboration stated that the world's greatest freshwater lakes are "succumbing to an irreversible 'invasional meltdown' that may be more severe than chemical pollution." There are cur-

rently 185 invasive species in the Great Lakes and another is discovered, on average, every 28 weeks!

Invasive species cost the Federal Government about \$1.3 billion per year and it is estimated that 42 percent of plants and animals on the Threatened and Endangered Species List are at risk because of alien species. Aquatic invasives pose a particular threat because of their ability to spread quickly through connected waterways.

Ballast water, which is used to stabilize freighters, is taken on board before a voyage begins. It can often contain organisms which become invasive species when released in navigable waters. For the reasons outlined above, ballast water represents a significant threat to our Great Lakes.

To its credit, the National Park Service has already taken steps to prevent ballast water from spreading a deadly fish virus known as VHS in Lake Superior and Lake Michigan. But much more must be done to protect the Great Lakes and other waterways from the exotic species contained in ballast water.

H.R. 2830 takes these necessary steps. This legislation for the first time creates strong ballast water management treatment standards in statute and requires that ballast water treatment technology be installed on board beginning next year. In addition, the bill requires all discharged ballast water to be thoroughly treated and implements tougher standards beginning in 2012, with a goal of zero species in discharged water by 2015. The manager's amendment to the bill also includes clarifying provisions to ensure that ballast water management activities are properly reported, so that freighters can be held accountable for complying with the law.

I would like to thank my friend and colleague, Chairman JAMES OBERSTAR, for his hard work on this important legislation. We in the Great Lakes region are lucky to have one of our own, the distinguished gentleman from Minnesota, overseeing these matters. I urge all of my colleagues to support this critically important bill.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong support of this Coast Guard Authorization Bill being considered on the floor today.

I have the unique pleasure of representing over 265 miles of pristine Florida coastline—from Miami Beach to Key West. In fact, two of the largest Coast Guard Sectors in the United States, Sector Miami commanded by Captain Karl Schultz and Sector Key West commanded by Captain Scott A. Buschman are located in my Congressional district. As such, ensuring that the brave Coast Guard men and women have the tools they need to effectively patrol our coasts is of utmost concern.

I know that with this important mission, my constituents would not be pleased to hear of the lack of state-of-the-art equipment that the Coast Guard has been using to accomplish its goals.

Just to highlight the nature of our aging Coast Guard fleet, I can point to the oldest cutter still active. The *Storis*, still serving today in Alaska, was commissioned before the United States entry into World War II. A ship over 65 years old should not be tasked with protecting against the modern threats that face this great Nation.

Compare this to an April 18th article in the St. Petersburg Times where Drug Enforce-

ment Agency officials are quoted as "scratching their heads over how to combat the latest innovation in drug smuggling: radar-dodging semisubmersible vessels packed with tons of cocaine." Determined drug smugglers are using very sophisticated ships and technologies in this cat-and-mouse game and it will become increasingly difficult to prevent their illegal activities if we are not able to modernize our fleet as well.

Fortunately, a vital portion of this bill is dedicated to the Coast Guard's Integrated Deepwater System. This is a critical program to modernize and replace the Coast Guard's aging ships and aircraft. The Deepwater Program is the largest acquisition in the history of the Coast Guard and any delay in the passage of this bill would have a serious and negative impact on the security of South Florida and our Nation.

We can all agree that these brave men and women deserve the fundamental resources they need. Certainly, without adequate funding the Coast Guard will not be equipped to accomplish their mission.

Coast Guard Sector Miami is scheduled to receive the first six Fast Response Cutters in addition to three ISLAND Class patrol boats. As well, Coast Guard Sector Key West is scheduled for delivery of the second six Fast Response Cutters in addition to one ISLAND Class patrol boat. I applaud these efforts and look forward to the continuation of the Deepwater Program.

Though this bill is by no means perfect, the urgency of modernizing our fleet and putting these ships in the water and these aircraft in the skies cannot be understated.

I urge all Members to recognize the crucial need to protect our Nation by strengthening the United States' oldest continuous seagoing service, the United States Coast Guard.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in support of H.R. 2830, the Coast Guard Reauthorization Act of 2008.

I would like to thank both the Chairman of the Transportation and Infrastructure Committee, Chairman OBERSTAR, and especially the Chairman of the Coast Guard and Maritime Transportation Subcommittee, Chairman CUMMINGS, for their leadership in crafting this important piece of legislation.

I have always been a strong supporter of the Coast Guard and providing it with the resources necessary to protect our Nation's coasts, ports and waterways, particularly the Port of Houston which I represent.

H.R. 2830 is also important to me because it contains provisions relating to the security of vessels and facilities that transport or process Liquefied Natural Gas—or LNG—in the United States. Demand for clean-burning natural gas is building up across our economy, and energy proposals Congress has passed and is currently considering will only accelerate this demand. I believe all of us here agree on the need to ensure the safety of LNG shipments to the U.S., but Congress should do so in a responsible way that does not unnecessarily impede future shipments of this clean-burning fuel.

Chairman CUMMINGS understood these concerns and included new language that would maximize the resources available to the Coast Guard for enforcing LNG security zones; maintain the multi-mission function of the Coast Guard; and mitigate bureaucratic hurdles in the LNG security process. While not perfect,

these changes are an improvement from the original bill and reflect a more workable approach than first proposed.

I want to again thank my good friends Chairman CUMMINGS and Chairman OBERSTAR for working with me and other Members to consider America's need for both energy security and homeland security when crafting this legislation.

I urge my colleagues to support H.R. 2830.

Mr. SKELTON. Mr. Chairman, I rise today in support of H.R. 2830, the Coast Guard Authorization Act. This is a good bill in many ways. I particularly appreciate the bills' emphasis on holding the Coast Guard accountable for the funds the service receives from us, the Congress. The well-documented problems with the Deepwater program make it clear that more, needs to be done to ensure the Coast Guard's procurement policies are producing results. This is not just a budget issue, although that is certainly important, but it is also a national security issue. We depend on the men and women serving in the Coast Guard to defend our Nation's waterways, and for that critical task they need new ships and aircraft. Congress can no longer stand by while billions of dollars are wasted on a program that has failed to give our coastal defenders the tools they need. This bill takes steps to demand the type of accountability from the Coast Guard that we expect from the other uniformed services, and I encourage my colleagues to join me in support of this good and necessary legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of important language in Chairman OBERSTAR's manager's amendment to H.R. 2830, the Coast Guard Reauthorization Act. This amendment is critical for my constituents who live in the Greenpoint area in Brooklyn. I want to thank Chairman OBERSTAR and others on the Committee who saw the need for this language, and were willing to act on it.

This important amendment directs the Environmental Protection Agency to conduct a follow up study on the Newtown Creek oil spill. The new EPA study builds upon my earlier effort with my distinguished colleague, Mr. WEINER, to get the EPA to issue a comprehensive report on the oil spill. That earlier report by the EPA, issued last fall, was an important step forward but it raised as many questions as it answered.

Mr. Chairman, it is appropriate that we are considering this issue on a Coast Guard bill. It was the Coast Guard, nearly 30 years ago, that discovered the Newtown Creek oil spill in Greenpoint. The spill is massive, and scientists lack accurate measurements of the scope and impact of the whole of the plume. That's why we need a full site characterization of the Creek, so we know just what is in, around and underneath the Creek bed.

The basic condition of the Creek was not comprehensively addressed in the earlier report. It's past time for a full site characterization of Newtown Creek. The goal not merely oil plume containment, but plume removal. We must help give this important waterway safely back to the community, for its use and enjoyment.

I also am deeply concerned about what threat this material poses to the public. A full site characterization should also allow us to better measure the public health impact of the oil spill. Residents in this part of Brooklyn suffer from asthma, emphysema and bronchitis at

a 25 percent higher rate than the rest of the city. Child asthma hospital admissions are especially high. A full site characterization can help public health professionals draw conclusions about the impact of the oil spill on the health of the local community.

In conclusion, Mr. Chairman, I want to thank Mr. WEINER for his long-term partnership and hard work in addressing the serious public policy problem posed by the Newtown Creek Oil Spill. I would urge the EPA to seize upon these clear instructions from Congress, and help New York understand just what it is facing at Newtown Creek. Only a full site characterization can accomplish this worthy goal.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in support of H.R. 2830, the Coast Guard Authorization Act of 2008. Among the many important provisions of this bill is one that is particularly needed to help ensure that our coastwise laws are properly and promptly enforced.

Section 220 of the manager's amendment recognizes the importance of vigorous enforcement of our Nation's coastwise laws by expanding the Department of Homeland Security's enforcement authority to include the Coast Guard in addition to Customs and Border Protection.

In keeping with this important objective we hope that the Administration will make good on the effort that was begun last November with the publication of a proposed interpretive rule designed to address evasion by foreign cruise lines of one of our coastwise laws, the Passenger Vessel Services Act.

I have written to Secretary Michael Chertoff urging prompt implementation of a modified rule that addresses concerns raised during the comment process while ensuring that the coastwise laws are properly enforced. My letter details the frustration of important Congressional objectives that will result if the rule is not implemented and I ask that a copy be included in the RECORD.

HOUSE OF REPRESENTATIVES,

Washington, DC, March 31, 2007.

Re Hawaiian Coastwise Cruises (USCBP-2007-0098)

HON. MICHAEL CHERTOFF,
Secretary, Department of Homeland Security,
Washington, DC.

DEAR MR. SECRETARY: Customs and Border Protection ("CBP") proposed an interpretive rule regarding "Hawaiian Coastwise Cruises" on November 21, 2007. Since issuing the notice and accepting comments on the proposal, no final action has been taken to protect the only oceangoing U.S.-flag cruise ships in operation from unfair foreign competition. As a result, it has been announced that a second U.S.-flag cruise ship will be leaving Hawaii service and the U.S. registry in May 2008. I write today to urge the Department to immediately adopt a Hawaii specific rule in order to ensure that the remaining U.S.-flag cruise ship does not have the same fate.

On December 21, 2007, I joined the Hawai'i Congressional delegation and also offered separate comments of my own with respect to the proposed criteria to be used by CBP to determine whether non-coastwise-qualified passenger vessels are in violation of the Passenger Vessel Services Act ("PVSA") (46 U.S.C. 55103) and the Hawaii Cruise Ship Initiative enacted in 2003 (Pub. L. 108-7) when engaging in Hawaii cruise itineraries that include a "sham" foreign port stop of as little as an hour in the middle of the night to cleanse the voyage and avoid the application of U.S. laws.

As the preamble to the interpretive rule accurately states, "The intent of the maritime cabotage laws, including the PVSA, was to provide a 'legal structure that guarantees a coastwise monopoly to American shipping and thereby promotes development of the American merchant marine'". I strongly support the PVSA, and was a primary sponsor of the subsequently enacted 2003 Hawaii Cruise Ship Initiative. I also strongly believe that CBP must take steps to vigorously enforce the PVSA, including adoption of the proposed interpretive rule for Hawaii. But I am concerned that CBP's effort to do so may unnecessarily slow implementation of the interpretive rule by needlessly trying to apply it broadly to all U.S. ports, where no oceangoing U.S.-flag cruise ships operate in regular service.

CBP's proposed interpretive rule is unnecessarily expansive. It goes beyond what is necessary to achieve the economic and national security policy objective of the PVSA and the 2003 Hawaii Cruise Ship Initiative. In fact, I believe a reasonable interpretation under those laws would limit the scope of proposed interpretation to Hawaii because it would further those important public policy goals.

Indeed, the vast majority of the opposition to CBP's proposed interpretation is based on the far reaching nature of the proposal. As a result, comments have been received from interested parties as far away from Hawaii as Maine and Florida who have understandably expressed concerns about the potential impact of the proposal on foreign cruise ships operating in areas where no oceangoing U.S. flag ships call. MARAD and CBP identified a specific and intentional effort to circumvent the PVSA on Hawaii cruises. Under the authorities provided by the PVSA and the 2003 Hawaii Cruise Ship Initiative, the final remedy proposed by CBP should be limited to addressing that specific issue in the Hawaii market where U.S. flag ships operate.

Moreover, the 2003 Hawai'i Cruise Ship Initiative requires that the affected U.S. flag ships identified in this proposed interpretation be in "regular service" in Hawai'i and explicitly prohibits their operation in coastwise service in Alaska, the Gulf of Mexico, and the Caribbean Sea, areas where interested parties have raised concerns about the application of the proposal. For these reasons, I strongly recommend that CBP issue a proposed PVSA interpretation limited to Hawai'i as follows:

CBP interprets a Hawai'i cruise itinerary to be "solely to one or more coastwise ports" even where it stops at a foreign port, unless the stop at the foreign port is a legitimate object of the cruise. CBP will assume that a stop at a foreign port is not a legitimate object of the cruise unless:

1. The amount of time at the foreign port is more than 50 percent of the total amount of time at the Hawai'i ports of call; and
2. The passengers are permitted to go ashore temporarily at the foreign port.

Accordingly, CBP proposes to adopt an interpretive rule under which it will presume that any Hawai'i cruise itinerary that does not include a foreign port of call that satisfies each of these two criteria constitutes coastwise transportation of passengers in violation of 19 CFR 4.80a(b)(1).

Thank you for considering my views on this important matter. I firmly believe that if CBP acts on the proposed rule as I have recommended, many of the concerns expressed by commenters in this docket will be alleviated, while at the same time ensuring the protection of the very oceangoing U.S.-flag cruise ships intended by the PVSA and the 2003 Hawaii Cruise Ship Initiative.

Sincerely,

NEIL ABERCROMBIE,
Member of Congress.

Mr. KAGEN. Mr. Chairman, I rise in strong support of H.R. 2830, the Coast Guard Authorization Act.

While this critical legislation is replete with numerous provisions that would make a variety of necessary changes to the Coast Guard's operations, I would like to focus on the portion of the bill that would regulate ballast water, which is of particular importance to northeast Wisconsin.

As my constituents know, ballast water is an easy way for invasive species to enter the Great Lakes. These species quickly take root and displace native species to the detriment of local environments.

There are also serious economic consequences associated with attempting to manage and control these aquatic invaders.

In the Great Lakes, it is estimated that roughly \$5 billion in damages has been caused by the zebra mussel; while the cost of lost native species may never be known.

Additionally, there is an enormous recreational cost associated with the loss of fish and wildlife in the Great Lakes, which account for nearly 22 percent of the world's fresh surface water. They are a tremendous and extraordinary natural resource that we cannot afford to harm.

I would like to commend Mr. OBERSTAR for his leadership on this issue, and for including in his manager's amendment the requirement that each vessel provide monthly reports on ballast operations.

This prerequisite will allow for greater transparency in ballast management, and will sanction early detection of invasive species.

I am also encouraged that H.R. 2830 permits alternative ballast management measures for recreational vessels. In establishing rules for recreational vessels, I hope the Secretary recognizes that local boaters and fishermen should not be subjected to unreasonable over-regulation.

In closing, I would urge all my colleagues to support passage of this legislation.

Mr. ISRAEL. Mr. Chairman, I would like to rise in support of language I included in the Coast Guard Reauthorization Act.

I have consistently fought for boating safety for the last three years in memory of my constituent Brianna Lieneck who died in August of 2005. Her parents came to me after losing their daughter. They have made it their mission to fight for boating safety and to make the water safer for others.

Their daughter Brianna an 11-year-old girl from my district who was tragically taken from us three years ago during a boating accident on the Great South Bay. The accident occurred on August 17, 2005 when a boat collided with their own. The operator of the other boat was reckless and there was poor visibility from the lack of lighting on the water that late at night.

While we can't bring back Brianna I have made it a priority to fight for mandatory boater education. And I want to commend Brianna's parents for taking this horrible tragedy and using it to fuel such a worthy cause.

This year the Coast Guard Reauthorization Act will include language mandating that the Coast Guard find the best and most feasible ways to establish mandatory boater education for all states and report back to Congress within 6 months. This is an important first step in boating safety because education directly translates to safer waters. The Coast Guard

estimates that 70 percent of reported fatalities occur when a boat operator has not received boating safety instruction.

So many careless accidents can be avoided by taking one simple course and being more informed on the water.

Boating accidents claimed 710 lives in 2006 and caused 3,474 injuries. Of that, 14 deaths and 100 injuries occurred in New York State in 2006. There were a total of 152 boating accidents in the state of New York.

There has been no significant decrease in the number of boating deaths since 1996 and the number increased between 2003 and 2006. This is unacceptable. If one simple course will decrease the number of deaths and injuries on the water, it is so important that we do everything in our power to require mandatory boater education.

You must take a driving test before you are able to operate a car. You should, at the very least, be required to take an education course to operate a boat.

And we owe it to the memory of Brianna and other victims in the Nation to do all we can to prevent future fatalities on the water.

I would like to thank Chairman OBERSTAR and Ranking Member MICA for allowing this language to be included in the bill.

Mr. WEINER. Mr. Chairman, the House has under consideration the bill H.R. 2830, the Coast Guard Reauthorization Act of 2007. Mr. Chairman, I want to highlight an amendment that I offered which has been included in Chairman OBERSTAR's amendment before the House. It directs the Environmental Protection Agency to conduct a study of the Greenpoint, Brooklyn, New York underground oil spill at Newtown Creek.

Newtown Creek is a 3.5 mile-long waterway that flows from the East River and separates the boroughs of Brooklyn and Queens. It is the single most polluted waterway in New York City, a legacy left by more than a century of heavy industrial activity. The creek's banks are home to the largest oil spill in the United States, which dates back to the 1950s and is estimated to be 150 percent of the size of the Exxon-Valdez spill.

In 1978, a Coast Guard patrol detected petroleum on the surface of Newtown Creek and identified a spill that spreads from the banks of the creek through the Greenpoint neighborhood in Brooklyn. Evaluations at that time identified a spill totaling 17 million gallons attributed to refineries operated along the banks of the creek by the predecessors to ExxonMobil, BP/Amoco and Chevron-Texaco. To date, 9.4 million gallons have been cleaned, primarily conducted by ExxonMobil under a 1990 consent agreement with the New York State Department of Environmental Conservation that sets no timetable for completion and includes no meaningful criteria for compliance. Estimates indicate that it will take until at least 2026 to finish the remediation, almost 50 years since we discovered the spill.

Today, even though it has been 30 years since the oil spill was detected, the best information on the spill's size are estimates. While we have evidence that the spill is 17–30 million gallons, covering 55 to 70 acres, the full extent of the spill remains unknown.

This information is critical. More than 200 observation wells and 35 recovery wells have been installed since 1978, but until we know the full extent of the problem, we may be wasting time.

In 2006, Congress directed the Environmental Protection Agency to revisit the findings of the United States Coast Guard's July 1979 report entitled "Investigation of Underground Accumulation of Hydrocarbons along Newtown Creek." The 2006 study did not collect new data, determine the size or location of the spill, or conclusively assess its impact on public health and safety. It recommended reevaluating the entire plume.

Given this, the provision included in Chairman OBERSTAR's amendment instructs the Environmental Protection Agency to conduct a full-site characterization of the Greenpoint, Brooklyn underground oil spill.

This study is to be driven by the collection of new field evidence and will not be limited to the review or co-review of existing or scheduled data collection by private parties or state and municipal entities. This new evidence includes the collection of data from new product, groundwater and soil monitoring wells, as well as from existing groundwater and soil monitoring wells at the Greenpoint Oil Spill site. This site is loosely bound by Newtown Creek on the northeast, the Brooklyn-Queens Expressway on the east and south, North Henry Street on the west, and Greenpoint Avenue on the north.

Specifically, the full-site characterization is to include:

The investigation, collection, and analysis of data on the full extent of the free-product plume, or the portion of the underground petroleum plume that floats on top of the site's groundwater in its refined state or crude state, including any historic remnants currently distinct or fragmented from current spill delineations.

The investigation, collection, and analysis of data on the full extent of the dissolved phase of the plume, or the portion of the underground petroleum plume that has dissolved into the groundwater, including the geographic extent and concentrations of groundwater contamination.

The investigation, collection, and analysis of data on the full extent of soil contamination, including current and historic smear zones, or the area of soil contamination that may exist within the zone of horizontal and vertical water table fluctuations that have occurred since the time of the petroleum release.

The investigation, collection, and analysis of data on the full extent of soil vapor contamination, including vertical and horizontal pathways within the vadose zone, or the area between the land surface and the water table.

The evaluation of the entire spill area, covering both the free-product and dissolved plume, using three-phase numerical modeling techniques simulating the movement and interaction of water, oil, and vapor in a geologic medium, and use of such model to make an estimate on the length of time that will be required to recover free product, contaminated groundwater and contaminated soil from the underground plumes.

The investigation and collection of data on monthly groundwater levels over a representative area of the free product and dissolved phase contamination areas to establish background water levels.

The investigation, collection, and analysis of data on current and historic groundwater pathways in the region.

The investigation, collection, and analysis of data on the impact of tidal fluctuations on groundwater levels in the region.

The investigation, collection, and analysis of data on seepage of free product and dissolved phase groundwater into Newtown Creek along the full spill area shoreline.

Chemical analysis and description of the oil product in the Newtown Creek region in its free product phase, its dissolved phase, and its smeared phase.

An investigation of reports of oil in building foundations in the area of Roebling Street and North Eleventh Street in Brooklyn, New York, to determine whether those oil pockets are distinct from the Greenpoint Oil Spill, are historic remnants of the Greenpoint Oil Spill, or remain hydrologically connected to the Greenpoint Oil Spill.

A detailed, three-dimensional representation reflecting the latitudinal and longitudinal location of the oil spill in the Newtown Creek region and also the observed and corrected thickness of the spill.

A revised estimate of the volume and area of the spill in its three phases: free product, polluted groundwater, and smeared soils, and evaluate the remaining plume volume using corrected product thickness values.

There is no geographic limit to the study. Testing is to be performed at potential, historic migration pathways and currently or newly detected product and groundwater contamination areas near the Greenpoint oil spill. The study will begin with areas to the north, south, southeast, and east of the current published spill location. Emphasis is to be placed on the path the spill may have taken when it was subject to hydrologic pressures related to groundwater withdrawals in the early-to-mid part of the 20th Century.

As outlined in the amendment, this study is to be completed no later than one year after enactment of this law.

I would like to express my thanks to Chairman OBERSTAR and Chairman CUMMINGS for their willingness to work with me on this project. Furthermore, I would like to commend Mrs. VELÁZQUEZ, who represents the people of Greenpoint, and has worked closely with me on this initiative.

Additionally, I would like to thank the staff of the Transportation and Infrastructure Subcommittees on Water Resources and Environment and Coast Guard and Maritime Transportation, particularly Ryan Seiger, John Cullather, Lucinda Lessley, and Ben Webster, who have worked with me to address this critical, but often overlooked, issue.

I'd also like to thank Riverkeeper Incorporated, and its chief investigator, Basil Seggos. This organization's dedication and advice on remediating the Newtown Creek oil spill over the last six years has been an invaluable asset.

Finally, I'd like to thank Dori Friedberg of my staff for her time, work, and counsel on this issue.

Mr. Chairman, I thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through the Coast Guard Reauthorization Act of 2007, and express my strong support for this bill.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Coast Guard Authorization Act. In particular, I urge my colleagues to support the legislation's ballast water treatment requirements.

The Great Lakes are one of this nation's crown jewels. They are the most unique set of freshwater lakes in the world. They provide

drinking water for millions. They provide habitat for our fisheries and they offer tremendous recreational and tourism opportunities.

The Great Lakes are threatened by damaging aquatic invasive species that arrive in the Lakes at a rate of one every eight months. The communities I represent have first-hand experience of the devastation these aquatic invaders can cause. In the mid-1980s, the zebra mussel was brought to the Great Lakes by hitching a ride on an ocean vessel from Europe. They were first identified in Lake St. Clair in 1988, and since then the zebra mussels have spread throughout the Great Lakes and have made their way into the Mississippi River and its tributaries. The economic and ecological costs of dealing with aquatic invasive species are staggering.

Invasive aquatic species pose a clear and present danger to virtually every U.S. waterway and coastal area. Many more invasive species will arrive in rapid succession and spread within U.S. waters unless effective measures are taken to prevent them.

The bill before the House contains strong provisions to reduce and hopefully eliminate the spread of aquatic invasive species through ballast water. The bill establishes a national goal to eliminate invasive species from ballast water that is discharged into U.S. waters by the year 2015. As an interim step, the legislation requires all ships entering U.S. waters to conduct ballast water exchange at least 200 miles off the nation's coastline. Between now and the end of 2013, the legislation requires vessels to be fitted with effective ballast water treatment equipment.

I urge my colleagues to join me in supporting this comprehensive response to one of the most serious problems confronting the Great Lakes and waterways across the nation.

Mr. PASCRELL. Mr. Chairman, I rise to speak in strong support of H.R. 2830, the Coast Guard Authorization Act, as this is a necessary piece of legislation that is vital to our Nation's homeland security strategy.

The President and indeed many in this body often talk about the need not to fall back into a pre-9/11 mindset when it comes to homeland security and I could not agree more.

This is why I want to start by thanking Homeland Security Committee Chairman BENNIE THOMPSON for all his work to strengthen the crucial port security aspects of this bill.

Ever since 9/11 we have faced the fact that our Nation is vulnerable to possible terrorist attack by air, land and sea. In response our Nation's entire security apparatus has had to work harder and stretch their resources farther in order to be more responsive to these increased threats and few agencies have exemplified this more than the Coast Guard.

This legislation finally provides the resources necessary to ensure that the Coast Guard can successfully execute all its missions by authorizing the increase of their end-strength by 1,500 members to 47,000 and increasing funding to the Coast Guard to \$8.4 billion, a full \$200 million over the President's budget.

However, this President and many of this body have objected to Section 720 of this bill which would strengthen security around liquefied natural gas, LNG, terminals and tanker ships.

These terminals represent a critical piece of our energy infrastructure that could be attractive targets for attack, especially if we allow

them to be built without any regard for our ability to secure them.

Without Section 720, we would certainly be guilty of maintaining a pre-9/11 mindset that says it's acceptable to maintain soft spots in our homeland security strategy and that is simply unacceptable.

I hope we would all learn the lessons of 9/11 and support this legislation in full instead of trying to weaken our comprehensive homeland security strategy.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

In lieu of the amendments recommended by the Committees on Transportation and Infrastructure, Homeland Security, and the Judiciary printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of House Report 110-604. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2008".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

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

Sec. 103. Transfer of bridge administration program authority and functions.

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.

Sec. 202. Industrial activities.

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

Sec. 204. Commissioned officers.

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

Sec. 206. Grants to international maritime organizations.

Sec. 207. Emergency leave retention authority.

Sec. 208. Enforcement authority.

Sec. 209. Repeal.

Sec. 210. Admirals and Vice Admirals.

Sec. 211. Merchant Mariner Medical Advisory Committee.

Sec. 212. Reserve commissioned warrant officer to lieutenant program.

Sec. 213. Enhanced status quo officer promotion system.

Sec. 214. Laser Training System.

Sec. 215. Coast Guard vessels and aircraft.

Sec. 216. Coast Guard District Ombudsmen.

Sec. 217. Ensuring contracting with small business concerns and disadvantaged business concerns.

Sec. 218. Assistant Commandant for Port and Waterway Security.

Sec. 219. Small business procurements.

Sec. 220. Enforcement of coastwise trade laws.

Sec. 221. Nomination and appointment of cadets at the Coast Guard Academy.

TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Vessel size limits.
 - Sec. 302. Goods and services.
 - Sec. 303. Seaward extension of anchorage grounds jurisdiction.
 - Sec. 304. Maritime Drug Law Enforcement Act amendment-simple possession.
 - Sec. 305. Technical amendments to tonnage measurement law.
 - Sec. 306. Cold weather survival training.
 - Sec. 307. Fishing vessel safety.
 - Sec. 308. Mariner records.
 - Sec. 309. Deletion of exemption of license requirement for operators of certain towing vessels.
 - Sec. 310. Adjustment of liability limits for natural gas deepwater ports.
 - Sec. 311. Period of limitations for claims against Oil Spill Liability Trust Fund.
 - Sec. 312. Log books.
 - Sec. 313. Unsafe operation.
 - Sec. 314. Approval of survival craft.
 - Sec. 315. Safety management.
 - Sec. 316. Protection against discrimination.
 - Sec. 317. Dry bulk cargo residue.
 - Sec. 318. Oil fuel tank protection.
 - Sec. 319. Registry endorsement for LNG vessels.
 - Sec. 320. Oaths.
 - Sec. 321. Duration of credentials.
 - Sec. 322. Fingerprinting.
 - Sec. 323. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
 - Sec. 324. Merchant mariner documentation.
 - Sec. 325. Merchant mariner assistance report.
 - Sec. 326. Merchant mariner shortage report.
 - Sec. 327. Merchant mariner document standards.
 - Sec. 328. Report on Coast Guard determinations.
 - Sec. 329. Pilot required.
 - Sec. 330. Offshore supply vessels.
 - Sec. 331. Recreational vessel operator education and training.
 - Sec. 332. Ship emission reduction technology demonstration project.
- TITLE IV—MISCELLANEOUS PROVISIONS**
- Sec. 401. Certificate of documentation for GALLANT LADY.
 - Sec. 402. Waiver.
 - Sec. 403. Great Lakes Maritime Research Institute.
 - Sec. 404. Conveyance.
 - Sec. 405. Crew wages on passenger vessels.
 - Sec. 406. Technical corrections.
 - Sec. 407. Conveyance of decommissioned Coast Guard Cutter STORIS.
 - Sec. 408. Repeal of requirement of license for employment in the business of salvaging on the coast of Florida.
 - Sec. 409. Right-of-first-refusal for Coast Guard property on Jupiter Island, Florida.
 - Sec. 410. Conveyance of Coast Guard HU-25 Falcon Jet aircraft.
 - Sec. 411. Decommissioned Coast Guard vessels for Haiti.
 - Sec. 412. Extension of period of operation of vessel for setting, relocation, or recovery of anchors or other mooring equipment.
 - Sec. 413. Vessel traffic risk assessments.
 - Sec. 414. Vessel MARYLAND INDEPENDENCE.
 - Sec. 415. Study of relocation of Coast Guard Sector Buffalo facilities.
 - Sec. 416. Conveyance of Coast Guard vessel to Coahoma County, Mississippi.
 - Sec. 417. Conveyance of Coast Guard vessel to Warren County, Mississippi.

- Sec. 418. Conveyance of Coast Guard vessel to Washington County, Mississippi.
- Sec. 419. Coast Guard assets for United States Virgin Islands.
- Sec. 420. Conveyance of the Presque Isle Light Station fresnel lens to Presque Isle Township, Michigan.
- Sec. 421. Fishing in South Pacific tuna treaty convention area.
- Sec. 422. Assessment of needs for additional Coast Guard presence in high latitude regions.
- Sec. 423. Study of regional response vessel and salvage capability for Olympic Peninsula coast, Washington.
- Sec. 424. Report on projected workload at the Coast Guard Yard in Curtis Bay, Maryland.
- Sec. 425. Study of bridges over navigable waters.
- Sec. 426. Limitation on jurisdiction of States to tax certain seamen.
- Sec. 427. Decommissioned Coast Guard vessels for Bermuda.
- Sec. 428. Recreational marine industry.
- Sec. 429. Conveyance of Coast Guard vessels to Nassau County, New York.

TITLE V—BALLAST WATER TREATMENT

- Sec. 501. Short title.
- Sec. 502. Declaration of goals and purposes.
- Sec. 503. Ballast water management.
- Sec. 504. National ballast water management information.
- Sec. 505. Ballast water management evaluation and demonstration program.
- Sec. 506. Rapid response plan.
- Sec. 507. Authorization of appropriations.

TITLE VI—MARITIME POLLUTION PREVENTION

- Sec. 601. Short title.
- Sec. 602. References.
- Sec. 603. Definitions.
- Sec. 604. Applicability.
- Sec. 605. Administration and enforcement.
- Sec. 606. Certificates.
- Sec. 607. Reception facilities.
- Sec. 608. Inspections.
- Sec. 609. Amendments to the protocol.
- Sec. 610. Penalties.
- Sec. 611. Effect on other laws.

TITLE VII—PORT SECURITY

- Sec. 701. Maritime homeland security public awareness program.
- Sec. 702. Transportation Worker Identification Credential.
- Sec. 703. Study to identify redundant background records checks.
- Sec. 704. Review of interagency operational centers.
- Sec. 705. Maritime security response teams.
- Sec. 706. Coast Guard detection canine team program expansion.
- Sec. 707. Coast Guard port assistance program.
- Sec. 708. Maritime biometric identification.
- Sec. 709. Review of potential threats.
- Sec. 710. Port security pilot.
- Sec. 711. Advance notice of port arrival of significant or fatal incidents involving U.S. persons.
- Sec. 712. Safety and security assistance for foreign ports.
- Sec. 713. Seasonal workers.
- Sec. 714. Comparative risk assessment of vessel-based and facility-based liquefied natural gas regasification processes.
- Sec. 715. Pilot Program for fingerprinting of maritime workers.
- Sec. 716. Transportation security cards on vessels.
- Sec. 717. International labor study.

- Sec. 718. Maritime security advisory committees.
- Sec. 719. Seamen's shoreside access.
- Sec. 720. Waterside security around liquefied natural gas terminals and liquefied natural gas tankers.

TITLE VIII—COAST GUARD INTEGRATED DEEPWATER PROGRAM

- Sec. 801. Short title.
- Sec. 802. Implementation of Coast Guard Integrated Deepwater Acquisition Program.
- Sec. 803. Chief Acquisition Officer.
- Sec. 804. Testing and certification.
- Sec. 805. National Security Cutters.
- Sec. 806. Miscellaneous reports.
- Sec. 807. Use of the Naval Sea Systems Command, the Naval Air Systems Command, and the Space and Naval Warfare Systems Command to assist the Coast Guard in exercising technical authority for the Deepwater Program and other Coast Guard acquisition programs.

Sec. 808. Definitions.

TITLE IX—MINORITY SERVING INSTITUTIONS

- Sec. 901. MSI Management Internship Program.
- Sec. 902. MSI initiatives.
- Sec. 903. Coast Guard-MSI Cooperative Technology Program.
- Sec. 904. Definition.

TITLE X—APPEALS TO NATIONAL TRANSPORTATION SAFETY BOARD

- Sec. 1001. Rights of appeal regarding licenses, certificates of registry, and merchant mariners' documents.
- Sec. 1002. Authorities of National Transportation Safety Board.
- Sec. 1003. Transfer of pending appeals to the National Transportation Safety Board.
- Sec. 1004. Rulemaking requirements.
- Sec. 1005. Administrative Law Judge recruiting program.

TITLE XI—MARINE SAFETY

- Sec. 1101. Marine safety.
- Sec. 1102. Marine safety staff.
- Sec. 1103. Marine safety mission priorities and long term goals.
- Sec. 1104. Powers and duties.
- Sec. 1105. Appeals and waivers.
- Sec. 1106. Coast Guard Academy.
- Sec. 1107. Geographic stability.
- Sec. 1108. Apprentice program.
- Sec. 1109. Report regarding civilian marine inspectors.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2008 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$5,965,742,000, of which—

(A) \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5));

(B) \$631,000,000 shall be available only for paying for search and rescue programs;

(C) \$527,000,000 shall be available only for paying for marine safety programs;

(D) \$80,500,000 shall be available only for paying for operating expenses of the Integrated Deepwater System program; and

(E) \$1,523,000,000 shall be available only for paying for ports, waterways, and coastal security.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels,

and aircraft, including equipment related thereto, \$1,125,083,000, of which—

(A) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) \$990,444,000 is authorized for the Integrated Deepwater System Program; and

(C) \$44,597,000 is authorized for shore facilities and aids to navigation.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$25,000,000, to remain available until expended, of which \$2,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,184,720,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$16,000,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), \$13,000,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, \$126,883,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for the fiscal year ending on September 30, 2008.

(b) **MILITARY TRAINING STUDENT LOADS.**—For fiscal year 2008, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. TRANSFER OF BRIDGE ADMINISTRATION PROGRAM AUTHORITY AND FUNCTIONS.

(a) **TRANSFER.**—

(1) **AUTHORITY AND FUNCTIONS.**—Notwithstanding section 888(b) of the Homeland Security Act of 2002 (6 U.S.C. 468(b)) or any other provision of law, the authorities of the Secretary of Homeland Security to approve the construction, alteration, or operation of a bridge, drawbridge, or causeway across or over the navigable waters of the United States and to require the alteration, repair, or removal of that bridge, drawbridge, or causeway, pursuant to the Bridge Act of 1906 (34 Stat. 84; 33 U.S.C. 491 et seq.), the General Bridge Act of 1946 (60 Stat. 847, 33 U.S.C. 525 note), the Truman-Hobbs Act (54 Stat. 497; 33 U.S.C. 511 et seq.), and the International Bridge Act of 1972 (60 Stat. 847; 33 U.S.C. 525 et seq.), and the functions related thereto, are hereby transferred to the Secretary of Transportation.

(2) **TRANSFER AND ADMINISTRATION OF BALANCES.**—Any unobligated balances of prior appropriations provided for the alteration of bridges are transferred and shall be available to the Secretary of Transportation to carry out the functions and authorities transferred by subsection (a).

TITLE II—COAST GUARD

SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

(a) **IN GENERAL.**—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“§ 153. Appointment of judges

“The Secretary may appoint civilian employees of the Department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following:

“153. Appointment of judges.”.

SEC. 202. INDUSTRIAL ACTIVITIES.

Section 151 of title 14, United States Code, is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “All orders”; and

(2) by adding at the end the following:

“(b) **ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.**—Under this section, the Coast Guard industrial activities may accept orders and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense.”.

SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAVEL EXPENSES.

(a) **IN GENERAL.**—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

“§ 518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States

“In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following:

“518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.”.

SEC. 204. COMMISSIONED OFFICERS.

(a) **ACTIVE DUTY PROMOTION LIST.**—Section 42 of title 14, United States Code, is amended to read as follows:

“§ 42. Number and distribution of commissioned officers on active duty promotion list

“(a) **MAXIMUM TOTAL NUMBER.**—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,700; except that the Commandant may temporarily increase that number by up to 2 percent for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.

“(b) **DISTRIBUTION PERCENTAGES BY GRADE.**—

“(1) **REQUIRED.**—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

“(2) **DISCRETIONARY.**—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

“(3) **AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.**—The Secretary—

“(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

“(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

“(c) **COMPUTATIONS.**—

“(1) **IN GENERAL.**—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

“(2) **ROUNDING FRACTIONS.**—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

“(3) **TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.**—The number of commissioned officers on the active duty promotion list below the rank of rear admiral (lower half) serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

“(d) **USE OF NUMBERS; TEMPORARY INCREASES.**—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

“(e) **OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.**—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 3 of such title is amended by striking the item relating to section 42 and inserting the following:

“42. Number and distribution of commissioned officers on active duty promotion list.”.

SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME (AFRH) SYSTEM.

(a) **IN GENERAL.**—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking paragraph (4);

(2) in paragraph (5)—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(C) by inserting at the end the following:

“(E) the Assistant Commandant of the Coast Guard for Human Resources.”; and

(3) by adding at the end of paragraph (6) the following:

“(E) The Master Chief Petty Officer of the Coast Guard.”.

(b) CONFORMING AMENDMENTS.—(1) Section 2772 of title 10, United States Code, is amended—

(A) in subsection (a) by inserting “or, in the case of the Coast Guard, the Commandant” after “concerned”; and

(B) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) in paragraph (3) by inserting “or, in the case of the Coast Guard, the Commandant” after “Secretary of Defense”; and

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4).

SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

“(c) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, classification, and port state or flag state law enforcement or oversight.”.

SEC. 207. EMERGENCY LEAVE RETENTION AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

“§ 426. Emergency leave retention authority

“With regard to a member of the Coast Guard who serves on active duty, a duty assignment in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be treated, for the purpose of section 701(f)(2) of title 10, a duty assignment in support of a contingency operation.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following new item:

“426. Emergency leave retention authority.”.

SEC. 208. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“§ 99. Enforcement authority

“Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

“(1) carry a firearm; and

“(2) while at a facility (as defined in section 70101 of title 46)—

“(A) make an arrest without warrant for any offense against the United States committed in their presence; and

“(B) seize property as otherwise provided by law.”.

(b) CONFORMING REPEAL.—The first section added to title 46, United States Code, by the amendment made by subsection (a) of section 801 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078), and the item relating to such first section enacted by the amendment made by subsection (b) of such section 801, are repealed.

(c) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“99. Enforcement authority.”.

SEC. 209. REPEAL.

Section 216 of title 14, United States Code, and the item relating to such section in the

analysis for chapter 11 of such title, are repealed.

SEC. 210. ADMIRALS AND VICE ADMIRALS.

(a) VICE COMMANDANT.—Section 47 of title 14, United States Code, is amended by striking “vice admiral” and inserting “admiral”.

(b) VICE ADMIRALS.—Section 50 of title 14, United States Code, is amended to read as follows:

“§ 50. Vice admirals

“(a)(1) The President may designate 4 positions of importance and responsibility that shall be held by officers who—

“(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

“(B) shall perform any duties as the Commandant may prescribe.

“(2) The 4 vice admiral positions authorized under paragraph (1) are, respectively, the following:

“(A) The Deputy Commandant for Mission Support.

“(B) The Deputy Commandant for National Operations and Policy.

“(C) The Commander, Force Readiness Command.

“(D) The Commander, Operations Command.

“(3) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to each of the positions designated under paragraph (1) an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for those appointments.

“(b)(1) The appointment and the grade of vice admiral under this section shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty.

“(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

“(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

“(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days; and

“(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

“(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

“(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

“(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position to carry out effectively the duties and responsibilities of that position.”.

(c) REPEAL.—Section 50a of title 14, United States Code, is repealed.

(d) CONFORMING AMENDMENT.—Section 51 of that title is amended—

(1) by amending subsections (a), (b), and (c) to read as follows:

“(a) An officer, other than the Commandant, who, while serving in the grade of

admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

“(b) An officer, other than the Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least two and one-half years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

“(c) An officer, other than the Commandant, who, after serving less than two and one-half years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.”; and

(2) in subsection (d)(2) by striking “Area Commander, or Chief of Staff” and inserting “or Vice Admirals”.

(e) CLERICAL AMENDMENTS.—

(1) The heading for section 47 of that title is amended by striking “assignment” and inserting “appointment”.

(2) The table of sections at the beginning of chapter 3 of that title is amended—

(A) by striking the item relating to section 47 and inserting the following:

“47. Vice Commandant; appointment.”;

(B) by striking the item relating to section 50 and inserting the following:

“50. Vice admirals.”;

and

(C) by striking the item relating to section 50a.

(f) TECHNICAL CORRECTION.—Section 47 of that title is further amended in the fifth sentence by striking “subsection” and inserting “section”.

SEC. 211. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding at the end the following new section:

“§ 7115. Merchant Mariner Medical Advisory Committee

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee (in this section referred to as the ‘Committee’).

“(2) FUNCTIONS.—The Committee shall advise the Secretary on matters relating to—

“(A) medical certification determinations for issuance of merchant mariner credentials;

“(B) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

“(C) medical examiner education; and

“(D) medical research.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 14 members, none of whom is a Federal employee, and shall include—

“(A) ten who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

“(B) four who are professional mariners with knowledge and experience in mariner occupational requirements.

“(2) STATUS OF MEMBERS.—Members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18, United States Code, and shall be subject to any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

“(c) APPOINTMENTS; TERMS; VACANCIES.—

“(1) APPOINTMENTS.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

“(2) TERMS.—Each member shall be appointed for a term of three years, except that, of the members first appointed, three members shall be appointed for a term of two years and three members shall be appointed for a term of one year.

“(3) VACANCIES.—Any member appointed to fill the vacancy prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of that term.

“(d) CHAIRMAN AND VICE CHAIRMAN.—The Secretary shall designate one member of the Committee as the Chairman and one member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

“(e) COMPENSATION; REIMBURSEMENT.—Members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

“(f) STAFF; SERVICES.—The Secretary shall furnish to the Committee the personnel and services as are considered necessary for the conduct of its business.”.

(b) FIRST MEETING.—No later than six months after the date of enactment of this Act, the Merchant Mariner Medical Advisory Committee established by the amendment made by this section shall hold its first meeting.

(c) CLERICAL AMENDMENT.—The analysis for chapter 71 of that title is amended by adding at the end the following:

“7115. Merchant Mariner Medical Advisory Committee.”.

SEC. 212. RESERVE COMMISSIONED WARRANT OFFICER TO LIEUTENANT PROGRAM.

Section 214(a) of title 14, United States Code, is amended to read as follows:

“(a) The president may appoint temporary commissioned officers—

“(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from holders of licenses issued under chapter 71 of title 46; and

“(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.”.

SEC. 213. ENHANCED STATUS QUO OFFICER PROMOTION SYSTEM.

Chapter 11 of title 14, United States Code, is amended—

(1) in section 253(a)—

(A) by inserting “and” after “considered,”; and

(B) by striking “, and the number of officers the board may recommend for promotion”;

(2) in section 258—

(A) by inserting “(a) IN GENERAL.—” before the existing text;

(B) in subsection (a) (as so designated) by striking the colon at the end of the material preceding paragraph (1) and inserting “—”;

(C) by adding at the end the following:

“(b) PROVISION OF DIRECTION AND GUIDANCE.—

“(1) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

“(A) specific direction relating to the needs of the Coast Guard for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

“(B) any other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions.

“(2) Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.”;

(3) in section 259(a), by inserting after “whom the board” the following: “, giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 258 of this title,”; and

(4) in section 260(b), by inserting after “qualified for promotion” the following: “to meet the needs of the service (as noted in specific direction furnished to the board by the Secretary under section 258 of this title)”.

SEC. 214. LASER TRAINING SYSTEM.

(a) IN GENERAL.—Within one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard shall test an integrated laser engagement system for the training of members of the Coast Guard assigned to small vessels in the use of individual weapons and machine guns on those vessels. The test shall be conducted on vessels on the Great Lakes using similar laser equipment used by other Federal agencies. However, that equipment shall be adapted for use in the marine environment.

(b) REPORT.—The Secretary shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 6 months after the conclusions of the test required under subsection (a) on the costs and benefits of using the system regionally and nationwide to train members of the Coast Guard in the use of individual weapons and machine guns.

SEC. 215. COAST GUARD VESSELS AND AIRCRAFT.

(a) AUTHORITY TO FIRE AT OR INTO A VESSEL.—Section 637(c) of title 14, United States Code, is amended—

(1) in paragraph (1), by striking “; or” and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(3) any other vessel or aircraft on government noncommercial service when—

“(A) the vessel or aircraft is under the tactical control of the Coast Guard; and

“(B) at least one member of the Coast Guard is assigned and conducting a Coast Guard mission on the vessel or aircraft.”.

(b) AUTHORITY TO DISPLAY COAST GUARD ENSIGNS AND PENNANTS.—Section 638(a) of title 14, United States Code, is amended by striking “Coast Guard vessels and aircraft” and inserting “Vessels and aircraft authorized by the Secretary”.

SEC. 216. COAST GUARD DISTRICT OMBUDSMEN.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

“§ 55. District Ombudsmen

“(a) IN GENERAL.—The Commandant shall appoint an employee of the Coast Guard in

each Coast Guard District as a District Ombudsman to serve as a liaison between ports, terminal operators, shipowners, and labor representatives and the Coast Guard.

“(b) PURPOSE.—The purpose of the District Ombudsman shall be the following:

“(1) To support the operations of the Coast Guard in each port in the District for which the District Ombudsman is appointed.

“(2) To improve communications between and among port stakeholders including, port and terminal operators, ship owners, labor representatives, and the Coast Guard.

“(3) To seek to resolve disputes between the Coast Guard and all petitioners regarding requirements imposed or services provided by the Coast Guard.

“(c) FUNCTIONS.—

“(1) COMPLAINTS.—The District Ombudsman may examine complaints brought to the attention of the District Ombudsman by a petitioner operating in a port or by Coast Guard personnel.

“(2) GUIDELINES FOR DISPUTES.—

“(A) IN GENERAL.—The District Ombudsman shall develop guidelines regarding the types of disputes with respect to which the District Ombudsman will provide assistance.

“(B) LIMITATION.—The District Ombudsman shall not provide assistance with respect to a dispute unless it involves the impact of Coast Guard requirements on port business and the flow of commerce.

“(C) PRIORITY.—In providing such assistance, the District Ombudsman shall give priority to complaints brought by petitioners who believe they will suffer a significant hardship as the result of implementing a Coast Guard requirement or being denied a Coast Guard service.

“(3) CONSULTATION.—The District Ombudsman may consult with any Coast Guard personnel who can aid in the investigation of a complaint.

“(4) ACCESS TO INFORMATION.—The District Ombudsman shall have access to any Coast Guard document, including any record or report, that will aid the District Ombudsman in obtaining the information needed to conduct an investigation of a complaint.

“(5) REPORTS.—At the conclusion of an investigation, the District Ombudsman shall submit a report on the findings and recommendations of the District Ombudsman, to the Commander of the District in which the petitioner who brought the complaint is located or operating.

“(6) DEADLINE.—The District Ombudsman shall seek to resolve each complaint brought in accordance with the guidelines—

“(A) in a timely fashion; and

“(B) not later than 4 months after the complaint is officially accepted by the District Ombudsman.

“(d) APPOINTMENT.—The Commandant shall appoint as the District Ombudsman a civilian who has experience in port and transportation systems and knowledge of port operations or of maritime commerce (or both).

“(e) ANNUAL REPORTS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the matters brought before the District Ombudsmen, including—

“(1) the number of matters brought before each District Ombudsman;

“(2) a brief summary of each such matter; and

“(3) the eventual resolution of each such matter.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of that chapter is amended by adding at the end the following new item:

“55. District Ombudsmen.”.

SEC. 217. ENSURING CONTRACTING WITH SMALL BUSINESS CONCERNS AND DISADVANTAGED BUSINESS CONCERNS.

(a) **REQUIREMENTS FOR PRIME CONTRACTS.**—The Secretary shall include in each contract awarded for procurement of goods or services acquired for the Coast Guard—

(1) a requirement that the contractor shall implement a plan for the award, in accordance with other applicable requirements, of subcontracts under the contract to small business concerns, including small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), institutions receiving assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq., 1101 et seq.), and Alaska Native Corporations created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), including the terms of such plan; and

(2) a requirement that the contractor shall submit to the Secretary, during performance of the contract, periodic reports describing the extent to which the contractor has complied with such plan, including specification (by total dollar amount and by percentage of the total dollar value of the contract) of the value of subcontracts awarded at all tiers of subcontracting to small business concerns, institutions, and corporations referred to in subsection (a)(1).

(b) **UTILIZATION OF ALLIANCES.**—The Secretary shall seek to facilitate award of contracts by the United States under the Deepwater Program to alliances of small business concerns, institutions, and corporations referred to in subsection (a)(1).

(c) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by October 31 each year a report on the award of contracts under the Deepwater Program to small business concerns, institutions, and corporations referred to in subsection (a)(1) during the preceding fiscal year.

(2) **CONTENTS.**—The Secretary shall include in each report—

(A) specification of the value of such contracts, by dollar amount and as a percentage of the total dollar value of all contracts awarded by the United States under the Deepwater Program in such fiscal year;

(B) specification of the total dollar value of such contracts awarded to each of the categories of small business concerns, institutions, and corporations referred to in subsection (a)(1); and

(C) if the percentage specified under subparagraph (A) is less than 25 percent, an explanation of—

(i) why the percentage is less than 25 percent; and

(ii) what will be done to ensure that the percentage for the following fiscal year will not be less than 25 percent.

(d) **DEFINITIONS.**—In this section:

(1) **DEEPWATER PROGRAM.**—The term “Deepwater Program” means the Integrated Deepwater Systems Program described by the Coast Guard in its report to Congress entitled “Revised Deepwater Implementation Plan 2005”, dated March 25, 2005. The Deepwater Program primarily involves the procurement of cutter and aviation assets that operate more than 50 miles offshore.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

SEC. 218. ASSISTANT COMMANDANT FOR PORT AND WATERWAY SECURITY.

(a) **IN GENERAL.**—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following:

“§61. Assistant Commandant for Port and Waterway Security

“(a) There shall be in the Coast Guard an Assistant Commandant for Port and Waterway Security who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) selected by the Secretary.

“(b) The Assistant Commandant for Port and Waterway Security shall serve as the principal advisor to the Commandant regarding port and waterway security and shall carry out the duties and powers delegated and imposed by the Secretary.”

(b) **CLERICAL AMENDMENT.**—The analysis at the beginning of that chapter is further amended by adding at the end the following:

“61. Assistant Commandant for Port and Waterway Security.”

SEC. 219. SMALL BUSINESS PROCUREMENTS.

(a) **IN GENERAL.**—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

“§678. Disadvantaged business enterprise program

“(a) **IN GENERAL.**—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts obligated by the Coast Guard for contracts in any fiscal year shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

“(b) **DEFINITIONS.**—In this subsection, the following definitions apply:

“(1) **SMALL BUSINESS CONCERN.**—The term ‘small business concern’ has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

“(2) **SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.**—The term ‘socially and economically disadvantaged individuals’ has the meaning that term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

“(c) **REGULATIONS.**—The Secretary shall issue final regulations governing the administration of the program created by this section by one year after the date of enactment of this section. To the maximum extent feasible, these regulations shall impose requirements similar to those of part 26 of title 49, Code of Federal Regulations, with respect to setting overall and contract goals, good faith efforts, and the contract award process, counting of credit for the participation of businesses owned and controlled by socially and economically disadvantaged individuals, and determining whether businesses are eligible to participate in the program.

“(d) **TERMINATION.**—This section shall cease to be effective three years after the date of its enactment.”

(b) **CLERICAL AMENDMENT.**—The analysis at the beginning of that chapter is further amended by adding at the end the following:

“678. Disadvantaged business enterprise program.”

SEC. 220. ENFORCEMENT OF COASTWISE TRADE LAWS.

(a) **IN GENERAL.**—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“§ 101. Enforcement of coastwise trade laws

“Officers and members of the Coast Guard are authorized to enforce chapter 551 of title

46. The Secretary shall establish a program for these officers and members to enforce that chapter, including the application of those laws to vessels that support the exploration, development, and production of oil, gas, or mineral resources in the Gulf of Mexico.”

(b) **CLERICAL AMENDMENT.**—The analysis for that chapter is amended by adding at the end the following new item:

“101. Enforcement of coastwise trade laws.”

(c) **REPORT.**—The Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Senate Committee on Commerce, Science, and Transportation within one year after the date of enactment of this Act on the enforcement strategies and enforcement actions taken to enforce the coastwise trade laws.

SEC. 221. NOMINATION AND APPOINTMENT OF CADETS AT THE COAST GUARD ACADEMY.

(a) **NOMINATION AND COMPETITIVE APPOINTMENT, GENERALLY.**—Section 182(a) of title 14, United States Code, is amended to read as follows:

“(a) **NOMINATION AND COMPETITIVE APPOINTMENT OF CADETS.**—

“(1) **ELIGIBILITY FOR NOMINATION.**—An individual may be nominated for a competitive appointment as a cadet at the Coast Guard Academy only if the individual—

“(A) is a citizen or national of the United States; and

“(B) meets the minimum requirements that the Secretary shall establish.

“(2) **NOMINATORS.**—Nominations for competitive appointments for the positions allocated under this section may be made as follows:

“(A) A Senator may nominate residents of the State represented by that Senator.

“(B) A Member of the House of Representatives may nominate residents of the State in which the congressional district represented by that Member is located.

“(C) A Delegate to the House of Representatives from the District of Columbia, the Virgin Islands, Guam, or American Samoa may nominate residents of the jurisdiction represented by that Delegate.

“(D) The Resident Commissioner to the United States from Puerto Rico may nominate residents of Puerto Rico.

“(E) The Governor of the Northern Mariana Islands may nominate residents of the Northern Mariana Islands.

“(3) **ALLOCATION OF POSITIONS.**—Positions for competitive appointments shall be allocated each year as follows:

“(A) Positions shall be allocated for residents of each State nominated by the Members of Congress from that State in proportion to the representation in Congress from that State.

“(B) Four positions shall be allocated for residents of the District of Columbia.

“(C) One position each shall be allocated for residents of the Virgin Islands, Guam, and American Samoa, respectively.

“(D) One position shall be allocated for a resident of Puerto Rico.

“(E) One position shall be allocated for a resident of the Northern Mariana Islands.

“(F) Two positions shall be allocated for individuals nominated by the Panama Canal Commission.

“(4) **COMPETITIVE SYSTEM FOR APPOINTMENT.**—

“(A) **ESTABLISHMENT OF SYSTEM.**—The Secretary shall establish a competitive system for selecting for appointment individuals nominated under paragraph (1) to fill the positions allocated under paragraph (3). The system must determine the relative merit of

each individual based on competitive examinations, an assessment of the individual's academic background, and other effective indicators of motivation and probability of successful completion of training at the Academy.

“(B) APPOINTMENTS BY JURISDICTION.—The Secretary shall appoint individuals to fill the positions allocated under subsection (c) for each jurisdiction in the order of merit of the individuals nominated from that jurisdiction.

“(C) REMAINING UNFILLED POSITIONS.—If positions remain unfilled after the appointments are made under paragraph (2), the Secretary shall appoint individuals to fill the positions in the order of merit of the remaining individuals nominated from all jurisdictions.

“(5) NONCOMPETITIVE APPOINTMENTS.—The Secretary may appoint each year without competition as cadets at the Academy the following:

“(A) Without limit, the children of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

“(B) Without limit—

“(i) children of individuals who died while on active duty in the armed forces of the United States;

“(ii) children of individuals who are determined by the Secretary of Veterans Affairs to have a service-connected disability rated at not less than 100 percent resulting from wounds or injuries received in, diseases contracted in, or preexisting injury or disease aggravated by, active service;

“(iii) children of members of the armed forces of the United States who are in a missing status as defined in section 551(2) of title 37; and

“(iv) children of civilian employees of the armed forces of the United States who are in a missing status as defined in section 5561(5) of title 5.

“(C) Not more than 25 enlisted members of the Coast Guard;

“(D) Not more than 20 qualified individuals with qualities the Secretary considers to be of special value to the Academy and that the Secretary considers will achieve a national demographic balance at the Academy.

“(6) ADDITIONAL APPOINTMENTS FROM PARTICULAR AREAS.—

“(A) OTHER COUNTRIES IN WESTERN HEMISPHERE.—The President may appoint individuals from countries in the Western Hemisphere other than the United States to receive instruction at the Academy. Not more than 12 individuals may receive instruction under this subsection at the same time, and not more than 2 individuals from the same country may receive instruction under this subsection at the same time.

“(B) OTHER COUNTRIES GENERALLY.—

“(i) APPOINTMENT.—The Secretary, with the approval of the Secretary of State, may appoint individuals from countries other than the United States to receive instruction at the Academy. Not more than 20 individuals may receive instruction under this subsection at the same time.

“(ii) REIMBURSEMENT.—The Secretary shall ensure that the country from which an individual comes under this subsection will reimburse the Secretary for the cost (as determined by the Secretary) of the instruction and allowances received by the individual at the Academy.

“(C) COMMITMENT.—Each individual attending the Academy under this paragraph shall sign an agreement stating that the individual, upon graduation, will accept an appointment, if tendered, as an officer in the Coast Guard of the country from which the individual comes for at least five years.

“(7) PROHIBITED BASIS FOR APPOINTMENT.—Preference may not be given to an individual

for appointment as a cadet at the Academy because one or more members of the individual's immediate family are alumni of the Academy.”.

(b) MINORITY RECRUITING PROGRAM.—

(1) IN GENERAL.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

“§ 197. Minority recruiting program

“The Secretary of the department in which the Coast Guard is operating shall establish a minority recruiting program for prospective cadets at the Coast Guard Academy. The program may include—

“(1) use of minority cadets and officers to provide information regarding the Coast Guard and the Academy to students in high schools;

“(2) sponsoring of trips to high school teachers and guidance counselors to the Academy;

“(3) to the extent authorized by the Secretary of the Navy, maximizing the use of the Naval Academy Preparatory School to prepare students to be cadets at the Coast Guard Academy;

“(4) recruiting minority members of the Coast Guard to attend the Academy;

“(5) establishment of a minority affairs office at the Academy; and

“(6) use of minority officers and members of the Coast Guard Reserve and Auxiliary to promote the Academy.”.

(2) CLERICAL AMENDMENT.—The table of sections for that chapter is amended by adding at the end the following new item:

“197. Minority recruiting program.”.

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. VESSEL SIZE LIMITS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12113(d)(2) of title 46, United States Code, is amended—

(1) by inserting “and” after the semicolon at the end of subparagraph (A)(i);

(2) by striking “and” at the end of subparagraph (A)(ii);

(3) by striking subparagraph (A)(iii);

(4) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(5) by inserting at the end the following:

“(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627) and is eligible for a fishery endorsement under this section.”.

(b) CONFORMING AMENDMENTS.—

(1) VESSEL REBUILDING AND REPLACEMENT.—Section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627) is amended to read as follows:

“(g) VESSEL REBUILDING AND REPLACEMENT.—

“(1) IN GENERAL.—

“(A) REBUILD OR REPLACE.—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2008 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.

“(B) SAME REQUIREMENTS.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such sub-

section as the vessel being rebuilt or replaced.

“(C) TRANSFER OF PERMITS AND LICENSES.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

“(2) RECOMMENDATIONS OF NORTH PACIFIC COUNCIL.—The North Pacific Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

“(3) SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.—

“(A) IN GENERAL.—Notwithstanding the requirements of subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

“(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

“(4) SPECIAL RULES FOR CERTAIN CATCHER VESSELS.—

“(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any regional fishery management council (other than the North Pacific Council) established under section 302(a) of the Magnuson-Stevens Act.

“(B) COVERED VESSELS.—A covered vessel referred to in subparagraph (A) is—

“(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

“(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

“(5) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

“(6) GULF OF ALASKA LIMITATION.—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2008.

“(7) AUTHORITY OF PACIFIC COUNCIL.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management

measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.”.

(2) **EXEMPTION OF CERTAIN VESSELS.**—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-620) is amended—

(A) by inserting “and” after “(United States official number 651041)”;

(B) by striking “, NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)”;

(C) by striking “, in the case of the NORTHERN” and all that follows through “PHOENIX.”.

(3) **FISHERY COOPERATIVE EXIT PROVISIONS.**—Section 210(b) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-629) is amended—

(A) by moving the matter beginning with “the Secretary shall” in paragraph (1) 2 ems to the right;

(B) by adding at the end the following:

“(7) **FISHERY COOPERATIVE EXIT PROVISIONS.**—

“(A) **FISHING ALLOWANCE DETERMINATION.**—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

“(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2008; and

“(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

“(B) **ELIGIBILITY FOR FISHERY ENDORSEMENT.**—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

“(C) **LIMITATIONS ON STATUTORY CONSTRUCTION.**—Nothing in this paragraph shall be construed—

“(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

“(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils

under section 303 of the Magnuson-Stevens Act.”.

SEC. 302. GOODS AND SERVICES.

Section 4(b) of the Act of July 5, 1884, commonly known as the Rivers and Harbors Appropriation Act of 1884 (33 U.S.C. 5(b)), is amended—

(1) by striking “or” at the end of paragraph (2)(C);

(2) by striking the period at the end of paragraph (3) and inserting “; or”; and

(3) by adding at the end the following:

“(4) sales taxes on goods and services provided to or by vessels or watercraft (other than vessels or watercraft primarily engaged in foreign commerce).”.

SEC. 303. SEAWARD EXTENSION OF ANCHORAGE GROUNDS JURISDICTION.

Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

(1) by striking “That the” and inserting the following:

“(a) **IN GENERAL.**—The”.

(2) in subsection (a) (as designated by paragraph (1)) by striking “\$100; and the” and inserting “up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The”;

(3) by adding at the end the following:

“(b) **DEFINITION.**—As used in this section ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”.

SEC. 304. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENT—SIMPLE POSSESSION.

Section 70506 of title 46, United States Code, is amended by adding at the end the following:

“(c) **SIMPLE POSSESSION.**—

“(1) **IN GENERAL.**—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed \$10,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

“(2) **DETERMINATION OF AMOUNT.**—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

“(3) **TREATMENT OF CIVIL PENALTY ASSESSMENT.**—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.”.

SEC. 305. TECHNICAL AMENDMENTS TO TONNAGE MEASUREMENT LAW.

(a) **DEFINITIONS.**—Section 14101(4) of title 46, United States Code, is amended—

(1) by striking “engaged” the first place it appears and inserting “that engages”;

(2) in subparagraph (A), by striking “arriving” and inserting “that arrives”;

(3) in subparagraph (B)—

(A) by striking “making” and inserting “that makes”; and

(B) by striking “(except a foreign vessel engaged on that voyage)”;

(4) in subparagraph (C), by striking “departing” and inserting “that departs”; and

(5) in subparagraph (D), by striking “making” and inserting “that makes”.

(b) **DELEGATION OF AUTHORITY.**—Section 14103(c) of that title is amended by striking

“intended to be engaged on” and inserting “that engages on”.

(c) **APPLICATION.**—Section 14301 of that title is amended—

(1) by amending subsection (a) to read as follows:

“(a) Except as otherwise provided in this section, this chapter applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel’s tonnage.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting “, unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.”;

(B) in paragraph (3), by inserting “of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is” after “vessel”;

(C) in paragraph (4), by striking “a vessel (except a vessel engaged” and inserting “a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages”;

(D) by striking paragraph (5);

(E) by redesignating paragraph (6) as paragraph (5); and

(F) by amending paragraph (5), as so redesignated, to read as follows:

“(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.”;

(3) by striking subsection (c);

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(5) in subsection (c), as redesignated, by striking “After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)” and inserting “An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel’s gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983 apply)”.

(d) **MEASUREMENT.**—Section 14302(b) of that title is amended to read as follows:

“(b) A vessel measured under this chapter may not be required to be measured under another law.”.

(e) **TONNAGE CERTIFICATE.**—

(1) **ISSUANCE.**—Section 14303 of title 46, United States Code, is amended—

(A) in subsection (a), by adding at the end the following: “For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel’s measurement under this chapter.”;

(B) in subsection (b), by inserting “issued under this section” after “certificate”; and

(C) in the section heading by striking “INTERNATIONAL” and “(1969)”.

(2) **MAINTENANCE.**—Section 14503 of that title is amended—

(A) by designating the existing text as subsection (a); and

(B) by adding at the end the following new subsection:

“(b) The certificate shall be maintained as required by the Secretary.”.

(3) **CLERICAL AMENDMENT.**—The analysis at the beginning of chapter 143 of that title is amended by striking the item relating to section 14303 and inserting the following: “14303. Tonnage Certificate.”.

(f) **OPTIONAL REGULATORY MEASUREMENT.**—Section 14305(a) of that title is amended by striking “documented vessel measured under

this chapter,” and inserting “vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States.”.

(g) APPLICATION.—Section 14501 of that title is amended—

(1) by amending paragraph (1) to read as follows:

“(1) A vessel not measured under chapter 143 of this title if the application of an international agreement or other law of the United States to the vessel depends on the vessel’s tonnage.”; and

(2) in paragraph (2), by striking “a vessel” and inserting “A vessel”.

(h) DUAL TONNAGE MEASUREMENT.—Section 14513(c) of that title is amended—

(1) in paragraph (1)—

(A) by striking “vessel’s tonnage mark is below the uppermost part of the load line marks,” and inserting “vessel is assigned two sets of gross and net tonnages under this section.”; and

(B) by inserting “vessel’s tonnage” before “mark” the second place such term appears; and

(2) in paragraph (2), by striking the period at the end and inserting “as assigned under this section.”.

(i) RECIPROCITY FOR FOREIGN VESSELS.—Subchapter II of chapter 145 of that title is amended by adding at the end the following:

“§ 14514. Reciprocity for foreign vessels

“For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.”.

(j) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 145 of such title is amended by adding at the end the following: “14514. Reciprocity for foreign vessels.”.

SEC. 306. COLD WEATHER SURVIVAL TRAINING.

(a) REPORT.—The Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the efficacy of cold weather survival training conducted by the Coast Guard in Coast Guard District 17 over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2008 through 2011.

(b) AUTHORIZATION OF APPROPRIATIONS FOR TRAINING.—There are authorized to be appropriated to the Secretary of Homeland Security \$150,000 to carry out cold weather survival training in Coast Guard District 17.

SEC. 307. FISHING VESSEL SAFETY.

(a) SAFETY STANDARDS.—Section 4502 of title 46, United States Code, is amended—

(1) in subsection (a), by—

(A) striking paragraphs (6) and (7) and inserting the following:

“(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and”;

(B) redesignating paragraph (8) as paragraph (7);

(2) in subsection (b)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking “documented”;

(B) in paragraph (1)(A), by striking “the Boundary Line” and inserting “3 nautical

miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes”;

(C) in paragraph (2)(B), by striking “lifeboats or life rafts” and inserting “a survival craft that ensures that no part of an individual is immersed in water”;

(D) in paragraph (2)(D), by inserting “marine” before “radio”;

(E) in paragraph (2)(E), by striking “radar reflectors, nautical charts, and anchors” and inserting “nautical charts, and publications”;

(F) in paragraph (2)(F), by striking “, including medicine chests” and inserting “and medical supplies sufficient for the size and area of operation of the vessel” and

(G) by amending paragraph (2)(G) to read as follows:

“(G) ground tackle sufficient for the vessel.”;

(3) by amending subsection (f) to read as follows:

“(f) To ensure compliance with the requirements of this chapter, the Secretary—

“(1) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills; and

“(2) shall examine at dockside a vessel described in subsection (b) at least twice every 5 years, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter.”; and

(4) by adding at the end the following:

“(g)(1) The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

“(2) The training program shall—

“(A) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire fighting and prevention, damage control, personal survival, emergency medical care, and weather;

“(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

“(C) recognize and give credit for recent past experience in fishing vessel operation; and

“(D) provide for issuance of a certificate to an individual that has successfully completed the program.

“(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

“(4) The Secretary shall establish a publicly accessible electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

“(h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may establish for recreational vessels under section 4302, if—

“(1) subsection (b) of this section applies to the vessel;

“(2) the vessel is less than 50 feet overall in length; and

“(3) the vessel is built after January 1, 2008.

“(i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to pro-

vide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

“(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

“(i) in the case of vessel operators, meets the requirements of subsection (g); and

“(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

“(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

“(2) The Secretary shall award grants under this subsection on a competitive basis.

“(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

“(4) There is authorized to be appropriated \$3,000,000 for each of fiscal years 2008 through 2012 for grants under this subsection.

“(j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

“(2) The Secretary shall award grants under this subsection on a competitive basis.

“(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.”.

(b) CONFORMING AMENDMENT.—Section 4506(b) of title 46, United States Code, is repealed.

(c) ADVISORY COMMITTEE.—

(1) CHANGE OF NAME.—Section 4508 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§ 4508. Commercial Fishing Safety Advisory Committee”;

and

(B) in subsection (a) by striking “Industry Vessel”.

(2) CLERICAL AMENDMENT.—The table of section at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4508. Commercial Fishing Safety Advisory Committee.”.

(d) LOADLINES FOR VESSELS OVER 79 FEET.—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after “vessel” the following “, unless the vessel is built or undergoes a major conversion completed after January 1, 2008”.

(e) CLASSING OF VESSELS.—

(1) IN GENERAL.—Section 4503 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§ 4503. Fishing, fish tender, and fish processing vessel certification”;

(B) in subsection (a) by striking “fish processing”;

(C) by adding at the end the following:

“(c) This section applies to a vessel to which section 4502(b) of this title applies that—

“(1) is at least 50 feet overall in length;

“(2) is built after January 1, 2008; or

“(3) undergoes a major conversion completed after that date.

“(d)(1) After January 1, 2018, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if the vessel—

“(A) is at least 50 feet overall in length;

“(B) is built before January 1, 2008; and

“(C) is 25 years of age or older.

“(2) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.

“(3) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before January 1, 2008, shall—

“(A) remain subject to the requirements of a classification society approved by the Secretary; and

“(B) have on board a certificate from that society.”.

(2) CLERICAL AMENDMENT.—The table of section at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4503. Fishing, fish tender, and fish processing vessel certification.”.

(f) ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—No later than January 1, 2015, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d) of the title 46, United States Code, as amended by this section.

SEC. 308. MARINER RECORDS.

Section 7502 of title 46, United States Code, is amended—

(1) by inserting “(a)” before “The”;

(2) by striking “computerized records” and inserting “records, including electronic records.”; and

(3) by adding at the end the following:

“(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.

“(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than \$5,000.”.

SEC. 309. DELETION OF EXEMPTION OF LICENSE REQUIREMENT FOR OPERATORS OF CERTAIN TOWING VESSELS.

Section 8905 of title 46, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 310. ADJUSTMENT OF LIABILITY LIMITS FOR NATURAL GAS DEEPWATER PORTS.

Section 1004(d)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(2)) is amended by adding at the end the following:

“(D) The Secretary may establish, by regulation, a limit of liability of not less than \$12,000,000 for a deepwater port used only in connection with transportation of natural gas.”.

SEC. 311. PERIOD OF LIMITATIONS FOR CLAIMS AGAINST OIL SPILL LIABILITY TRUST FUND.

Section 1012(h)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(h)(1)) is amended by striking “6” and inserting “3”.

SEC. 312. LOG BOOKS.

(a) IN GENERAL.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following:

“§11304. Additional logbook and entry requirements

“(a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an official logbook, which shall be kept available for review by the Secretary on request.

“(b) The log book required by subsection (a) shall include the following entries:

“(1) The time when each seaman and each officer assumed or relieved the watch.

“(2) The number of hours in service to the vessels of each seaman and each officer.

“(3) An account of each accident, illness, and injury that occurs during each watch.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“11304. Additional logbook and entry requirements.”.

SEC. 313. UNSAFE OPERATION.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

“§2116. Termination for unsafe operation

“An individual authorized to enforce this title—

“(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

“(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

“(3) may direct the individual in charge of a vessel to which this title applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that title is amended by adding at the end the following:

“2116. Termination for unsafe operation.”.

SEC. 314. APPROVAL OF SURVIVAL CRAFT.

(a) IN GENERAL.—Chapter 31 of title 46, United States Code, is amended by adding at the end the following new section:

“§3104. Survival craft

“(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

“(b) The Secretary may authorize a survival craft that does not provide protection described in subsection (a) to remain in service until not later than January 1, 2013, if—

“(1) it was approved by the Secretary before January 1, 2008; and

“(2) it is in serviceable condition.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that title is amended by adding at the end the following:

“3104. Survival craft.”.

SEC. 315. SAFETY MANAGEMENT.

(a) VESSELS TO WHICH REQUIREMENTS APPLY.—Section 3202 of title 46, United States Code, is amended—

(1) in subsection (a) by striking the heading and inserting “FOREIGN VOYAGES AND FOREIGN VESSELS.”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

“(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

“(1) a passenger vessel or small passenger vessel; and

“(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.”;

(4) in subsection (d), as so redesignated, by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (d)(4), as so redesignated, by inserting “that is not described in subsection (b) of this section” after “waters”.

(b) SAFETY MANAGEMENT SYSTEM.—Section 3203 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(c) In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall consider—

“(1) the characteristics, methods of operation, and nature of the service of these vessels; and

“(2) with respect to vessels that are ferries, the sizes of the ferry systems within which the vessels operate.”.

SEC. 316. PROTECTION AGAINST DISCRIMINATION.

(a) IN GENERAL.—Section 2114 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking “or” after the semicolon;

(2) in subsection (a)(1)(B), by striking the period at the end and inserting a semicolon;

(3) by adding at the end of subsection (a)(1) the following new subparagraphs:

“(C) the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;

“(D) the seaman notified, or attempted to notify, the vessel owner or the Secretary of a work-related personal injury or work-related illness of a seaman;

“(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

“(F) the seaman furnished information to the Secretary, the National Transportation Safety Board, or any other public official as to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

“(G) the seaman accurately reported hours of duty under this part.”; and

(4) by amending subsection (b) to read as follows:

“(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman's request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.”.

(b) EXISTING ACTIONS.—This section shall not affect the application of section 2114(b) of title 46, United States Code, as in effect before the date of enactment of this Act, to an action filed under that section before that date.

SEC. 317. DRY BULK CARGO RESIDUE.

Section 623(a)(2) of the Coast Guard and Maritime Transportation Act of 2004 (33

U.S.C. 1901 note) is amended by striking “2008” and inserting “2011”.

SEC. 318. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Coast Guard Authorization Act of 2008, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled ‘Oil Fuel Tank Protection.’

“(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention. Any such regulation shall be considered to be an interpretive rule for the purposes of section 553 of title 5.

“(3) In this subsection the term ‘oil fuel’ means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.”.

SEC. 319. REGISTRY ENDORSEMENT FOR LNG VESSELS.

Section 12111 of title 46, United States Code, is amended by adding at the end the following:

“(d)(1) A vessel for which a registry endorsement is not issued may not engage in regasifying on navigable waters unless the vessel transported the gas from a foreign port.

“(2) Nothing in paragraph (1) or any other provision of this title may be construed as—

“(A) applying to such paragraph a definition of the term ‘vessel’ that includes any structure on, in, or under the navigable waters of the United States that the Coast Guard regulates as a waterfront facility handling liquified natural gas under part 127 of title 33, Code of Federal Regulations; or

“(B) having any effect on the jurisdiction of the Federal Energy Regulatory Commission under section 3(e)(1) of the Natural Gas Act.

“(3) Paragraph (2)(A) does not affect the authority of the Coast Guard to modify the provisions of part 127 of title 33, Code of Federal Regulations.”.

SEC. 320. OATHS.

Sections 7105 and 7305 of title 46, United States Code, and the items relating to such sections in the analysis for chapters 71 and 73 of such title, are repealed.

SEC. 321. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

“(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

“(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

“(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.”.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

“§ 7106. Duration of licenses

“(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the contin-

uous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

“(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.”.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

“§ 7107. Duration of certificates of registry

“(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

“(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.”.

SEC. 322. FINGERPRINTING.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“§ 7507. Fingerprinting

“The Secretary of the Department in which the Coast Guard is operating may not require an individual to be fingerprinted for the issuance or renewal of a license, a certificate of registry, or a merchant mariner's document under chapter 71 or 73 if the individual was fingerprinted when the individual applied for a transportation security card under section 70105.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“7507. Fingerprinting.”.

SEC. 323. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, as amended by section 322(a) of this Act, is further amended by adding at the end the following:

“§ 7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

“(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding section 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry.

“(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those documents.

“(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

“(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on June 30, 2009.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter, as amended by section

322(b), is further amended by adding at the end the following:

“7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.”.

SEC. 324. MERCHANT MARINER DOCUMENTATION.

(a) INTERIM CLEARANCE PROCESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop an interim clearance process for issuance of a merchant mariner document to enable a newly hired seaman to begin working on an offshore supply vessel or towing vessel if the Secretary makes an initial determination that the seaman does not pose a safety and security risk.

(b) CONTENTS OF PROCESS.—The process under subsection (a) shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government, review of the seaman's criminal record, and review of the results of testing the seaman for use of a dangerous drug (as defined in section 2101 of title 46, United States Code) in violation of law or Federal regulation.

SEC. 325. MERCHANT MARINER ASSISTANCE REPORT.

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding a plan—

(1) to expand the streamlined evaluation process program that was affiliated with the Houston Regional Examination Center of the Coast Guard to all processing centers of the Coast Guard nationwide;

(2) to include proposals to simplify the application process for a license as an officer, staff officer, or operator and for a merchant mariner's document to help eliminate errors by merchant mariners when completing the application form (CG-719B), including instructions attached to the application form and a modified application form for renewals with questions pertaining only to the period of time since the previous application;

(3) to provide notice to an applicant of the status of the pending application, including a process to allow the applicant to check on the status of the application by electronic means; and

(4) to ensure that all information collected with respect to applications for new or renewed licenses, merchant mariner documents, and certificates of registry is retained in a secure electronic format.

SEC. 326. MERCHANT MARINER SHORTAGE REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, acting through the Administrator of the Maritime Administration, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning methods to address the current and future shortage in the number of merchant mariners, particularly entry-level mariners, including an evaluation of whether an educational loan program providing loans for the cost of on-the-job training would provide an incentive for workers and help alleviate the shortage.

SEC. 327. MERCHANT MARINER DOCUMENT STANDARDS.

Not later than 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on

Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a plan to ensure that the process for an application, by an individual who has, or has applied for, a transportation security card under section 70105 of title 46, United States Code, for a merchant mariner document can be completed entirely by mail; and

(2) a report on the feasibility of, and a timeline to, redesign the merchant mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and include a review on whether or not such redesign will eliminate the need for separate credentials and background screening and streamline the application process for mariners.

SEC. 328. REPORT ON COAST GUARD DETERMINATIONS.

Not later than 180 days after enactment of this Act, the Secretary of Homeland Security shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the coastwise trade being performed in foreign shipyards, enforcement of the Coast Guard's foreign rebuild determination regulations, and recommendations for improving the transparency in the Coast Guard's foreign rebuild determination process.

SEC. 329. PILOT REQUIRED.

Section 8502(g) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting “and Buzzards Bay, Massachusetts” before “, if any,”; and

(2) by adding at the end the following:

“(3) In any area of Buzzards Bay, Massachusetts, where a single-hull tanker or tank vessel carrying 5,000 or more barrels of oil or other hazardous material is required to be under the direction and control of a pilot, the pilot may not be a member of the crew of that vessel, and shall be a pilot licensed—

“(A) by the State of Massachusetts who is operating under a Federal first class pilot's license; or

“(B) under section 7101 of this title who has made at least 20 round trips on a vessel as a quartermaster, wheelsman, able seaman, or apprentice pilot, or in an equivalent capacity, including—

“(i) at least 1 round trip through Buzzards Bay in the preceding 12-month period; and

“(ii) if the vessel will be navigating in periods of darkness in an area of Buzzards Bay where a vessel is required by regulation to have a pilot, at least 5 round trips through Buzzards Bay during periods of darkness.”.

SEC. 330. OFFSHORE SUPPLY VESSELS.

(a) **DEFINITION.**—Section 2101(19) of title 46, United States Code, is amended by striking “of more than 15 gross tons but less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”.

(b) **EXEMPTION.**—Section 5209(b)(1) of the Oceans Act of 1992 (Public Law 102-587; 46 U.S.C. 2101 note) is amended by inserting before the period at the end the following: “of less than 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of this title as pre-

scribed by the Secretary under section 14104 of this title.”.

(c) **WATCHES.**—Section 8104 of title 46, United States Code, is amended—

(1) in subsection (g), by inserting after “offshore supply vessel” the following: “of less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title,”; and

(2) in subsection (d), by inserting “(1)” after “(d)”, and by adding at the end the following:

“(2) Paragraph (1) does not apply to an offshore supply vessel of more than 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compliance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.”; and

(3) in subsection (e), by striking “subsection (d)” and inserting “subsection (d)(1)”.

(d) **MINIMUM NUMBER OF LICENSED INDIVIDUALS.**—Section 8301(b) of title 46, United States Code, is amended to read as follows:

“(b)(1) An offshore supply vessel shall have at least one mate. Additional mates on an offshore supply vessel of more than 6,000 gross tons as measured under section 14302 of this title shall be prescribe in accordance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.

“(2) An offshore supply vessel of more than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, may not be operated without a licensed engineer.”.

SEC. 331. RECREATIONAL VESSEL OPERATOR EDUCATION AND TRAINING.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall study and report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate regarding recreational vessel operator training. The study and report shall include a review of—

(1) Coast Guard Auxiliary and Power Squadron training programs;

(2) existing State boating education programs, including programs by the National Association of State Boating Law Administrators (in this section referred to as “NASBLA”); and

(3) other hands-on training programs available to recreational vessel operators.

(b) **INCLUDED SUBJECTS.**—The study shall specifically examine—

(1) course materials;

(2) course content;

(3) training methodology;

(4) assessment methodology; and

(5) relevancy of course content to risks for recreational boaters.

(c) **CONTENTS OF REPORT.**—The report under this section shall include—

(1) a section regarding steps the Coast Guard and NASBLA have taken to encourage States to adopt mandatory recreational vessel operator training;

(2) an evaluation of the ability of the States to harmonize their education programs and testing procedures;

(3) an analysis of the extent States have provided reciprocity among the States for their respective mandatory and voluntary education requirements and programs;

(4) a section examining the level of uniformity of education and training between

the States that currently have mandatory education and training programs;

(5) a section outlining the minimum standards for education of recreational vessel operators;

(6) a section analyzing how a Federal training and testing program can be harmonized with State training and testing programs;

(7) analysis of course content and delivery methodology for relevancy to risks for recreational boaters;

(8) a description of the current phase-in periods for mandatory boater education in State mandatory education programs and recommendation for the phase-in period for a mandatory boater education program including an evaluation as to whether the phase-in period affects course availability and cost;

(9) a description of the extent States allow for experienced boaters to by-pass mandatory education courses and go directly to testing;

(10) recommendations for a by-pass option for experienced boaters;

(11) a section analyzing how the Coast Guard would administer a Federal boating education, training, and testing program; and

(12) the extent to which a Federal boating education, training, and testing program should be required for all waters of a State, including internal waters.

SEC. 332. SHIP EMISSION REDUCTION TECHNOLOGY DEMONSTRATION PROJECT.

(a) **STUDY.**—The Commandant of the Coast Guard shall conduct a study—

(1) on the methods and best practices of the use of exhaust emissions reduction technology on cargo or passenger ships that operate in United States waters and ports; and

(2) that identifies the Federal, State, and local laws, regulations, and other requirements that affect the ability of any entity to effectively demonstrate onboard technology for the reduction of contaminated emissions from ships.

(b) **REPORT.**—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CERTIFICATE OF DOCUMENTATION FOR GALLANT LADY.

Section 1120(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3977) is amended—

(1) in paragraph (1)—

(A) by striking “of Transportation” and inserting “of the department in which the Coast Guard is operating”; and

(B) by striking subparagraph (A) and inserting the following:

“(A) the vessel GALLANT LADY (Feadship hull number 672, approximately 168 feet in length).”;

(2) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3); and

(3) in paragraph (3) (as so redesignated) by striking all after “shall expire” and inserting “on the date of the sale of the vessel by the owner.”.

SEC. 402. WAIVER.

Notwithstanding section 12112 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the OCEAN VERITAS (IMO Number 7366805).

SEC. 403. GREAT LAKES MARITIME RESEARCH INSTITUTE.

Section 605 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1052) is amended—

(1) in subsection (b)(1)—

(A) by striking “The Secretary of Transportation shall conduct a study that” and inserting “The Institute shall conduct maritime transportation studies of the Great Lakes region, including studies that”;

(B) in subparagraphs (A), (B), (C), (E), (F), (H), (I), and (J) by striking “evaluates” and inserting “evaluate”;

(C) in subparagraphs (D) and (G) by striking “analyzes” and inserting “analyze”;

(D) by striking “and” at the end of subparagraph (I);

(E) by striking the period at the end of subparagraph (J) and inserting a semicolon;

(F) by adding at the end the following:

“(K) identify ways to improve the integration of the Great Lakes marine transportation system into the national transportation system;

“(L) examine the potential of expanded operations on the Great Lakes marine transportation system;

“(M) identify ways to include intelligent transportation applications into the Great Lakes marine transportation system;

“(N) analyze the effects and impacts of aging infrastructure and port corrosion on the Great Lakes marine transportation system;

“(O) establish and maintain a model Great Lakes marine transportation system database; and

“(P) identify market opportunities for, and impediments to, the use of United States-flag vessels in trade with Canada on the Great Lakes.”; and

(2) by striking subsection (b)(4) and inserting the following:

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1)—

“(A) \$2,200,000 for fiscal year 2008;

“(B) \$2,300,000 for fiscal year 2009;

“(C) \$2,400,000 for fiscal year 2010; and

“(D) \$2,500,000 for fiscal year 2011.”.

SEC. 404. CONVEYANCE.

(a) STATION BRANT POINT BOAT HOUSE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall convey to the town of Nantucket, Massachusetts, all right, title, and interest of the United States in and to the buildings known as the Station Brant Point Boat House located at Coast Guard Station Brant Point, Nantucket, Massachusetts, for use for a public purpose.

(2) TERMS OF CONVEYANCE.—A conveyance of the building under paragraph (1) shall be made—

(A) without the payment of consideration; and

(B) subject to appropriate terms and conditions the Secretary considers necessary.

(3) REVERSIONARY INTEREST.—All right, title, and interest in property conveyed under this subsection shall revert to the United States if any portion of the property is used other than for a public purpose.

(b) LEASE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall enter into a lease with the town of Nantucket that authorizes the town of Nantucket to occupy the land on which the buildings conveyed under subsection (a) are located, subject to appropriate terms and conditions the Secretary considers necessary.

(2) LEASE TERM.—A lease under this subsection shall not expire before January 31, 2033.

(3) TERMINATION OF LEASE.—If the Secretary determines that the property leased under paragraph (1) is necessary for purposes of the Coast Guard, the Secretary—

(A) may terminate the lease without payment of compensation; and

(B) shall provide the town of Nantucket not less than 12 months notice of the requirement to vacate the site and move the buildings conveyed under subsection (a) to another location.

SEC. 405. CREW WAGES ON PASSENGER VESSELS.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10313(g) of title 46, United States Code, is amended—

(A) by striking “When” and inserting “(1) Subject to paragraph (2), when”; and

(B) by adding at the end the following:

“(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

“(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

“(A) the date of the end of the last voyage for which the wages are claimed; or

“(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the sub is made in the ordinary course of employment.”.

(2) DEPOSITS.—Section 10315 of such title is amended by adding at the end the following:

“(f) DEPOSITS IN SEAMAN ACCOUNT.—By written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

“(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

“(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

“(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

“(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.”.

(b) COASTWISE VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10504(c) of such title is amended—

(A) by striking “When” and inserting “(1) Subject to subsection (d), and except as provided in paragraph (2), when”; and

(B) by inserting at the end the following:

“(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

“(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

“(A) the date of the end of the last voyage for which the wages are claimed; or

“(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.”.

(2) DEPOSITS.—Section 10504 of such title is amended by adding at the end the following:

“(f) DEPOSITS IN SEAMAN ACCOUNT.—On written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

“(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

“(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

“(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

“(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.”.

SEC. 406. TECHNICAL CORRECTIONS.

(a) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—Effective with enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241), such Act is amended—

(1) in section 311(b) (120 Stat. 530) by inserting “paragraphs (1) and (2) of” before “section 8104(o)”;

(2) in section 603(a)(2) (120 Stat. 554) by striking “33 U.S.C. 2794(a)(2)” and inserting “33 U.S.C. 2704(a)(2)”;

(3) in section 901(r)(2) (120 Stat. 566) by striking “the” the second place it appears;

(4) in section 902(c) (120 Stat. 566) by inserting “of the United States” after “Revised Statutes”;

(5) in section 902(e) (120 Stat. 567) is amended—

(A) by inserting “and” after the semicolon at the end of paragraph (1);

(B) by striking “and” at the end of paragraph (2)(A); and

(C) by redesignating paragraphs (3) and (4) as subparagraphs (C) and (D) of paragraph (2), respectively, and aligning the left margin of such subparagraphs with the left margin of subparagraph (A) of paragraph (2);

(6) in section 902(e)(2)(C) (as so redesignated) by striking “this section” and inserting “this paragraph”;

(7) in section 902(e)(2)(D) (as so redesignated) by striking “this section” and inserting “this paragraph”;

(8) in section 902(h)(1) (120 Stat. 567)—

(A) by striking “Bisti/De-Na-Zin” and all that follows through “Protection” and inserting “Omnibus Parks and Public Lands Management”; and

(B) by inserting a period after “Commandant of the Coast Guard”;

(9) in section 902(k) (120 Stat. 568) is amended—

(A) by inserting “the Act of March 23, 1906, commonly known as” before “the General Bridge”;

(B) by striking “491” and inserting “494.”; and

(C) by inserting “each place it appears” before “and inserting”; and

(10) in section 902(o) (120 Stat. 569) by striking the period after “Homeland Security”.

(b) TITLE 14.—(1) The analysis for chapter 7 of title 14, United States Code, is amended by

adding a period at the end of the item relating to section 149.

(2) The analysis for chapter 17 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 677.

(3) The analysis for chapter 9 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 198.

(c) TITLE 46.—(1) The analysis for chapter 81 of title 46, United States Code, is amended by adding a period at the end of the item relating to section 8106.

(2) Section 70105(c)(3)(C) of such title is amended by striking “National Intelligence Director” and inserting “Director of National Intelligence”.

(d) DEEPWATER PORT ACT OF 1974.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended by aligning the left margin of subparagraph (K) with the left margin of subparagraph (L).

(e) OIL POLLUTION ACT OF 1990.—(1) Section 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(2)) is amended by striking the first comma following “\$800,000”.

(2) The table of sections in section 2 of such Act is amended by inserting a period at the end of the item relating to section 7002.

(f) COAST GUARD AUTHORIZATION ACT OF 1996.—The table of sections in section 2 of the Coast Guard Authorization Act of 1996 is amended in the item relating to section 103 by striking “reports” and inserting “report”.

SEC. 407. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter STORIS, the Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest of the United States in and to that vessel to the USCG Cutter STORIS Museum and Maritime Education Center, LLC, located in the State of Alaska if the recipient—

(1) agrees—

(A) to use the vessel for purposes of a museum and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) has funds available that will be committed to operate and maintain in good working condition the vessel conveyed, in the form of cash, liquid assets, or a written loan commitment and in an amount of at least \$700,000; and

(3) agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a conveyance under subsection (a) any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the operability and function of the vessel conveyed under subsection (a) for purposes of a museum and historical display.

SEC. 408. REPEAL OF REQUIREMENT OF LICENSE FOR EMPLOYMENT IN THE BUSINESS OF SALVAGING ON THE COAST OF FLORIDA.

Chapter 801 of title 46, United States Code, is amended—

(1) by striking section 80102; and

(2) in the table of sections at the beginning of the chapter by striking the item relating to that section.

SEC. 409. RIGHT-OF-FIRST-REFUSAL FOR COAST GUARD PROPERTY ON JUPITER ISLAND, FLORIDA.

(a) RIGHT-OF-FIRST-REFUSAL.—Notwithstanding any other law (other than this section), the Town of Jupiter Island, Florida, shall have the right-of-first-refusal for an exchange of real property within the jurisdiction of the Town comprising Parcel #35-38-42-004-000-02590-6 (Bon Air Beach lots 259 and 260 located at 83 North Beach Road) and Parcel #35-38-42-004-000-02610-2 (Bon Air Beach lots 261 to 267), including any improvements thereon, for other real property of equal or greater value.

(b) IDENTIFICATION OF PROPERTY.—The Commandant of the Coast Guard may identify, describe, and determine the property referred to in subsection (a) that is subject to the right of the Town under that subsection.

(c) LIMITATION.—The property referred to in subsection (a) may not be conveyed under that subsection until the Commandant of the Coast Guard determines that the property is not needed to carry out Coast Guard missions or functions.

(d) REQUIRED USE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any property conveyed under this section shall be used by the Town of Jupiter Island, Florida, solely for conservation of fish and wildlife habitat and other natural resources, including wetlands, beaches, and dunes, and as protection against damage from wind, tidal, and wave energy.

(2) PUBLIC ACCESS.—The Town of Jupiter Island shall allow the public to have reasonable public access to the property conveyed under this section, for customary recreation use of the beach under a management program established by agreement between the Town of Jupiter Island, Florida, and Martin County, Florida.

(e) REVERSION.—Any conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property, at the option of the Commandant of the Coast Guard, shall revert to the United States Government if the property is used for purposes other than conservation and public access.

(f) IMPLEMENTATION.—The Commandant of the Coast Guard shall upon request by the Town—

(1) promptly take those actions necessary to make property identified under subsection (b) and determined by the Commandant under subsection (c) ready for conveyance to the Town; and

(2) convey the property to the Town subject to subsections (d) and (e).

SEC. 410. CONVEYANCE OF COAST GUARD HU-25 FALCON JET AIRCRAFT.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Commandant of the Coast Guard may convey to the Elizabeth City State University (in this section referred to as the “University”), a public university located in the State of North Carolina, without consideration all right,

title, and interest of the United States in an HU-25 Falcon Jet aircraft under the administrative jurisdiction of the Coast Guard that the Commandant determines—

(1) is appropriate for use by the University; and

(2) is excess to the needs of the Coast Guard.

(b) CONDITIONS.—

(1) IN GENERAL.—As a condition of conveying an aircraft to the University under subsection (a), the Commandant shall enter into an agreement with the University under which the University agrees—

(A) to utilize the aircraft for educational purposes or other public purposes as jointly agreed upon by the Commandant and the University before conveyance; and

(B) to hold the United States harmless for any claim arising with respect to the aircraft after conveyance of the aircraft.

(2) REVERSIONARY INTEREST.—If the Commandant determines that the recipient violated subparagraph (A) or (B) of paragraph (1), then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such violation.

(c) LIMITATION ON FUTURE TRANSFERS.—

(1) IN GENERAL.—The Commandant shall include in the instruments for the conveyance a requirement that any further conveyance of an interest in the aircraft may not be made without the approval in advance of the Commandant.

(2) REVERSIONARY INTEREST.—If the Commandant determines that an interest in the aircraft was conveyed without such approval, then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such a violation.

(d) DELIVERY OF AIRCRAFT.—The Commandant shall deliver the aircraft conveyed under subsection (a)—

(1) at the place where the aircraft is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 411. DECOMMISSIONED COAST GUARD VESSELS FOR HAITI.

(a) IN GENERAL.—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat, the Commandant of the Coast Guard shall give the Government of Haiti a right-of-first-refusal for conveyance of that vessel to the Government of Haiti, if that Government of Haiti agrees—

(1) to use the vessel for the Coast Guard of Haiti;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) **LIMITATION.**—The Commandant may not convey more than 10 vessels to the Government of Haiti pursuant to this section.

(c) **MAINTENANCE AND DELIVERY OF VESSEL.**—

(1) **MAINTENANCE.**—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) **DELIVERY.**—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) **TREATMENT OF CONVEYANCE.**—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

SEC. 412. EXTENSION OF PERIOD OF OPERATION OF VESSEL FOR SETTING, RELOCATION, OR RECOVERY OF ANCHORS OR OTHER MOORING EQUIPMENT.

Section 705(a)(2) of Public Law 109-347 (120 Stat. 1945) is amended by striking “2” and inserting “3”.

SEC. 413. VESSEL TRAFFIC RISK ASSESSMENTS.

(a) **REQUIREMENT.**—The Commandant of the Coast Guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment—

(1) for Cook Inlet, Alaska, within one year after the date of enactment of this Act; and

(2) for the Aleutian Islands, Alaska, within two years after the date of enactment of this Act.

(b) **CONTENTS.**—Each of the assessments shall describe, for the region covered by the assessment—

(1) the amount and character of present and estimated future shipping traffic in the region; and

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(G) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(H) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(I) aids to navigation; and

(J) vessel response plans.

(c) **RECOMMENDATIONS.**—

(1) **IN GENERAL.**—Each of the assessments shall include any appropriate recommendations to enhance the safety, or lessen potential adverse environmental impacts, of marine shipping.

(2) **CONSULTATION.**—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(d) **PROVISION TO CONGRESS.**—The Commandant shall provide a copy of each assessment to the Committee on Transportation and Infrastructure of the House of Rep-

resentatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Commandant \$1,800,000 for each of fiscal years 2008 and 2009 to the conduct the assessments.

SEC. 414. VESSEL MARYLAND INDEPENDENCE.

Notwithstanding sections 55101, 55103, and 12112 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel MARYLAND INDEPENDENCE (official number 662573). The coastwise endorsement issued under authority of this section is terminated if—

(1) the vessel, or controlling interest in the person that owns the vessel, is conveyed after the date of enactment of this Act; or

(2) any repairs or alterations are made to the vessel outside of the United States.

SEC. 415. STUDY OF RELOCATION OF COAST GUARD SECTOR BUFFALO FACILITIES.

(a) **PURPOSES.**—The purposes of this section are—

(1) to authorize a project study to evaluate the feasibility of consolidating and relocating Coast Guard facilities at Coast Guard Sector Buffalo within the study area;

(2) to obtain a preliminary plan for the design, engineering, and construction for the consolidation of Coast Guard facilities at Sector Buffalo; and

(3) to distinguish what Federal lands, if any, shall be identified as excess after the consolidation.

(b) **DEFINITIONS.**—In this section:

(1) **COMMANDANT.**—The term “Commandant” means the Commandant of the Coast Guard.

(2) **SECTOR BUFFALO.**—The term “Sector Buffalo” means Coast Guard Sector Buffalo of the Ninth Coast Guard District.

(3) **STUDY AREA.**—The term “study area” means the area consisting of approximately 31 acres of real property and any improvements thereon that are commonly identified as Coast Guard Sector Buffalo, located at 1 Fuhrmann Boulevard, Buffalo, New York, and under the administrative control of the Coast Guard.

(c) **STUDY.**—

(1) **IN GENERAL.**—Within 12 months after the date on which funds are first made available to carry out this section, the Commandant shall conduct a project proposal report of the study area and shall submit such report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) **REQUIREMENTS.**—The project proposal report shall—

(A) evaluate the most cost-effective method for providing shore facilities to meet the operational requirements of Sector Buffalo;

(B) determine the feasibility of consolidating and relocating shore facilities on a portion of the existing site, while—

(i) meeting the operational requirements of Sector Buffalo; and

(ii) allowing the expansion of operational requirements of Sector Buffalo; and

(C) contain a preliminary plan for the design, engineering, and construction of the proposed project, including—

(i) the estimated cost of the design, engineering, and construction of the proposed project;

(ii) an anticipated timeline of the proposed project; and

(iii) a description of what Federal lands, if any, shall be considered excess to Coast Guard needs.

(d) **LIMITATION.**—Nothing in this section shall affect the current administration and management of the study area.

SEC. 416. CONVEYANCE OF COAST GUARD VESSEL TO COAHOMA COUNTY, MISSISSIPPI.

(a) **AUTHORITY TO CONVEY.**—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Department of Coahoma County, Mississippi (in this section referred to as the “Sheriff's Department”), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) **CONDITION.**—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Department under which the Sheriff's Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Department before conveyance; and

(2) to take the vessel “as is” and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) **DELIVERY OF VESSEL.**—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) **OTHER EXCESS EQUIPMENT.**—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Department for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 417. CONVEYANCE OF COAST GUARD VESSEL TO WARREN COUNTY, MISSISSIPPI.

(a) **AUTHORITY TO CONVEY.**—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Office of Warren County, Mississippi (in this section referred to as the “Sheriff's Office”), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Office; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) **CONDITION.**—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Office under which the Sheriff's Office agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Office before conveyance; and

(2) to take the vessel "as is" and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) **DELIVERY OF VESSEL.**—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) **OTHER EXCESS EQUIPMENT.**—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Office for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 418. CONVEYANCE OF COAST GUARD VESSEL TO WASHINGTON COUNTY, MISSISSIPPI.

(a) **AUTHORITY TO CONVEY.**—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Office of Washington County, Mississippi (in this section referred to as the "Sheriff's Office"), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Office; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) **CONDITION.**—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Office under which the Sheriff's Office agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Office before conveyance; and

(2) to take the vessel "as is" and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) **DELIVERY OF VESSEL.**—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) **OTHER EXCESS EQUIPMENT.**—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Office for use to enhance the operability of the vessel con-

veyed under the authority provided in subsection (a).

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 419. COAST GUARD ASSETS FOR UNITED STATES VIRGIN ISLANDS.

(a) **IN GENERAL.**—The Secretary of Homeland Security may station additional Coast Guard assets in the United States Virgin Islands for port security and other associated purposes.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary for fiscal year 2008 such sums as are necessary to carry out this section.

SEC. 420. CONVEYANCE OF THE PRESQUE ISLE LIGHT STATION FRESNEL LENS TO PRESQUE ISLE TOWNSHIP, MICHIGAN.

(a) **CONVEYANCE OF LENS AUTHORIZED.**—

(1) **TRANSFER OF POSSESSION.**—Notwithstanding any other provision of law, the Commandant of the Coast Guard may transfer to Presque Isle Township, a township in Presque Isle County in the State of Michigan (in this section referred to as the "Township"), possession of the Historic Fresnel Lens (in this section referred to as the "Lens") from the Presque Isle Light Station Lighthouse, Michigan (in this section referred to as the "Lighthouse").

(2) **CONDITION.**—As a condition of the transfer of possession authorized by paragraph (1), the Township shall, not later than one year after the date of transfer, install the Lens in the Lighthouse for the purpose of operating the Lens and Lighthouse as a Class I private aid to navigation pursuant to section 85 of title 14, United States Code, and the applicable regulations under that section.

(3) **CONVEYANCE OF LENS.**—Upon the certification of the Commandant that the Township has installed the Lens in the Lighthouse and is able to operate the Lens and Lighthouse as a private aid to navigation as required by paragraph (2), the Commandant shall convey to the Township all right, title, and interest of the United States in and to the Lens.

(4) **CESSATION OF UNITED STATES OPERATIONS OF AIDS TO NAVIGATION AT LIGHTHOUSE.**—Upon the making of the certification described in paragraph (3), all active Federal aids to navigation located at the Lighthouse shall cease to be operated and maintained by the United States.

(b) **REVERSION.**—

(1) **REVERSION FOR FAILURE OF AID TO NAVIGATION.**—If the Township does not comply with the condition set forth in subsection (a)(2) within the time specified in that subsection, the Township shall, except as provided in paragraph (2), return the Lens to the Commandant at no cost to the United States and under such conditions as the Commandant may require.

(2) **EXCEPTION FOR HISTORICAL PRESERVATION.**—Notwithstanding the lack of compliance of the Township as described in paragraph (1), the Township may retain possession of the Lens for installation as an artifact in, at, or near the Lighthouse upon the approval of the Commandant and under such conditions for the preservation and conservation of the Lens as the Commandant shall specify for purposes of this paragraph. Installation of the Lens under this paragraph shall occur, if at all, not later than two years after the date of the transfer of the Lens to the Township under subsection (a)(1).

(3) **REVERSION FOR FAILURE OF HISTORICAL PRESERVATION.**—If retention of the Lens by

the Township is authorized under paragraph (2) and the Township does not install the Lens in accordance with that paragraph within the time specified in that paragraph, the Township shall return the Lens to the Coast Guard at no cost to the United States and under such conditions as the Commandant may require.

(c) **CONVEYANCE OF ADDITIONAL PERSONAL PROPERTY.**—

(1) **TRANSFER AND CONVEYANCE OF PERSONAL PROPERTY.**—Notwithstanding any other provision of law, the Commandant may transfer to the Township any additional personal property of the United States related to the Lens that the Commandant considers appropriate for conveyance under this section. If the Commandant conveys the Lens to the Township under subsection (a)(3), the Commandant may convey to the Township any personal property previously transferred to the Township under this subsection.

(2) **REVERSION.**—If the Lens is returned to the Coast Guard pursuant to subsection (b), the Township shall return to the Coast Guard all personal property transferred or conveyed to the Township under this subsection except to the extent otherwise approved by the Commandant.

(d) **CONVEYANCE WITHOUT CONSIDERATION.**—The conveyance of the Lens and any personal property under this section shall be without consideration.

(e) **DELIVERY OF PROPERTY.**—The Commandant shall deliver property conveyed under this section—

(1) at the place where such property is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(f) **MAINTENANCE OF PROPERTY.**—As a condition of the conveyance of any property to the Township under this section, the Commandant shall enter into an agreement with the Township under which the Township agrees—

(1) to operate the Lens as a Class I private aid to navigation under section 85 of title 14, United States Code, and application regulations under that section; and

(2) to hold the United States harmless for any claim arising with respect to personal property conveyed under this section.

(g) **LIMITATION ON FUTURE CONVEYANCE.**—The instruments providing for the conveyance of property under this section shall—

(1) require that any further conveyance of an interest in such property may not be made without the advance approval of the Commandant; and

(2) provide that, if the Commandant determines that an interest in such property was conveyed without such approval—

(A) all right, title, and interest in such property shall revert to the United States, and the United States shall have the right to immediate possession of such property; and

(B) the recipient of such property shall pay the United States for costs incurred by the United States in recovering such property.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant may require such additional terms and conditions in connection with the conveyances authorized by this section as the Commandant considers appropriate to protect the interests of the United States.

SEC. 421. FISHING IN SOUTH PACIFIC TUNA TREATY CONVENTION AREA.

Section 12113 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(j) A fishery endorsement is not required for a United States-documented purse seine tuna fishing vessel home ported in American Samoa while fishing exclusively for highly

migratory species under a license issued pursuant to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America in the treaty area or in any portion of the United States exclusive economic zone bordering the treaty area.”.

SEC. 422. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH LATITUDE REGIONS.

Within 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives assessing the need for additional Coast Guard prevention and response capability in the high latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. The Secretary shall include in the report—

(1) an assessment of the high latitude operating capabilities of all current Coast Guard assets, including assets acquired under the Deepwater program;

(2) an assessment of projected needs for Coast Guard forward operating bases in the high latitude regions;

(3) an assessment of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard forward operating bases in the high latitude regions;

(4) an assessment of the need for high latitude icebreaking capability and the capability of the current high latitude icebreaking assets of the Coast Guard, including—

(A) whether the Coast Guard's high latitude icebreaking fleet is meeting current mission performance goals;

(B) whether the fleet is capable of meeting projected mission performance goals; and

(C) an assessment of the material condition, safety, and working conditions aboard high latitude icebreaking assets, including the effect of those conditions on mission performance;

(5) a detailed estimate of acquisition costs for each of the assets (including shore infrastructure) necessary for additional prevention and response capability in high latitude regions for all Coast Guard mission areas, and an estimate of operations and maintenance costs for such assets for the initial 10-year period of operations; and

(6) detailed cost estimates (including operating and maintenance for a period of 10 years) for high latitude icebreaking capability to ensure current and projected future mission performance goals are met, including estimates of the costs to—

(A) renovate and modernize the Coast Guard's existing high latitude icebreaking fleet; and

(B) replace the Coast Guard's existing high latitude icebreaking fleet.

SEC. 423. STUDY OF REGIONAL RESPONSE VESSEL AND SALVAGE CAPABILITY FOR OLYMPIC PENINSULA COAST, WASHINGTON.

No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall study through the National Academy of Sciences the need for regional response vessel and salvage capability for the State of Washington Olympic Peninsula coast. In conducting the study, the National Academy of Sciences shall consult with Federal, State, and tribal officials and other relevant stakeholders. The study shall—

(1) identify the capabilities, equipment, and facilities necessary for a response vessel in the entry to the Strait of Juan de Fuca at Neah Bay in order to optimize oil spill protection on Washington's Olympic Peninsula coast and provide rescue towing services, oil spill response, and salvage and firefighting capabilities;

(2) analyze the multimission capabilities necessary for a rescue vessel and the need for that vessel to utilize cached salvage, oil spill response, and oil storage equipment while responding to a spill or a vessel in distress, and make recommendations as to the placement of such equipment;

(3) address scenarios that consider all vessel types and weather conditions and compare current Neah Bay rescue vessel capabilities, costs, and benefits with other United States industry-funded response vessels, including those currently operating in Alaska's Prince William Sound;

(4) determine whether the current level of protection afforded by the Neah Bay response vessel and associated response equipment is comparable to protection in other locations where response vessels operate, including Prince William Sound, Alaska, and if it is not comparable, make recommendations regarding how capabilities, equipment, and facilities should be modified to achieve optimum protection; and

(5) consider pending firefighting and salvage regulations developed pursuant to the Oil Pollution Act of 1990.

SEC. 424. REPORT ON PROJECTED WORKLOAD AT THE COAST GUARD YARD IN CURTIS BAY, MARYLAND.

Within six months after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report detailing the projected workload for the current calendar year and each of the subsequent 5 calendar years at the Coast Guard Yard in Curtis Bay, Maryland, and the total full-time equivalents (FTE) to be supported by the account established under section 648 of title 14, United States Code, (popularly known as the Yard Fund) in each such calendar year to meet that workload. The report shall—

(1) detail work projects to be undertaken during the current calendar year and during each of the next five calendar years as part of the Mission Effectiveness Program (MEP) and projects projected to be undertaken that are not associated with the MEP;

(2) identify the number of regular full-time employees, term employees, and employees in any other classification that are projected to be employed in any capacity at the Yard in each such calendar year;

(3) specify how many of the employees in any capacity that are expected to be employed at the Yard in each such year are expected to be uniformed members of the Coast Guard and how many are expected to be civilians;

(4) identify how many employees in any capacity (whether uniformed or civilian) are projected to be assigned in each such calendar year to each of overhead positions, engineering positions, waterfront support positions, and waterfront trade positions to meet projected workloads in that year;

(5) identify the amount of overtime in each of overhead positions, engineering positions, waterfront support positions, and waterfront trade positions position that will be required to meet the projected workload in each such calendar year;

(6) identify the number of trades training students that are projected to be trained at the Yard in each such calendar year; and

(7) address whether the FTE ceiling in place for the Yard is sufficient to allow all work projects scheduled for the current calendar year to be completed on schedule, and what level of FTE is likely to be required in each of the subsequent five calendar years to allow completion on schedule of the projected workload in each of those years.

SEC. 425. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

The Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the proposed construction or alteration of any bridge, drawbridge, or causeway over navigable waters with a channel depth of 25 feet or greater of the United States that may impede or obstruct future navigation to or from port facilities.

SEC. 426. LIMITATION ON JURISDICTION OF STATES TO TAX CERTAIN SEAMEN.

Section 11108(b)(2)(B) of title 46, United States Code, is amended to read as follows:

“(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on navigable waters in 2 or more States.”.

SEC. 427. DECOMMISSIONED COAST GUARD VESSELS FOR BERMUDA.

(a) IN GENERAL.—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat and after the Government of Haiti has exercised all of their options under section 411, the Commandant of the Coast Guard shall give the Government of Bermuda a right-of-first-refusal for conveyance of that vessel to the Government of Bermuda, if that Government of Bermuda agrees—

(1) to use the vessel for the Coast Guard of Bermuda;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) LIMITATION.—The Commandant may not convey more than 3 vessels to the Government of Bermuda pursuant to this section.

(C) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

SEC. 428. RECREATIONAL MARINE INDUSTRY.

(a) EXCEPTION.—Section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)) is amended to read as follows:

“(F) individuals who—

“(i) are employed to manufacture any recreational vessel under 165 feet in length; or

“(ii) are employed to repair any recreational vessel, or to dismantle any part of any recreational vessel in connection with repair of the vessel;”.

(b) **RECREATIONAL ENDORSEMENT.**—Section 12114 of title 46, United States Code, is amended by adding at the end the following:

“(d) **VESSELS MANUFACTURED BY CERTAIN INDIVIDUALS.**—A vessel manufactured by individuals under the exception provided in section 2(3)(F) of the Longshore and Harbor Workers’ Compensation Act may only be issued a recreational vessel endorsement under this chapter, and that restriction shall be noted on the certification of documentation issued under section 12105.”.

SEC. 429. CONVEYANCE OF COAST GUARD VESSELS TO NASSAU COUNTY, NEW YORK.

(a) **AUTHORITY TO CONVEY.**—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Police Department of Nassau County, New York (in this section referred to as the “Police Department”), without consideration all right, title, and interest of the United States in and to two Coast Guard 41-foot patrol boats that the Commandant determines—

(1) is appropriate for use by the Police Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) **CONDITION.**—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Police Department under which the Police Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Police Department before conveyance; and

(2) to take the vessel “as is” and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) **DELIVERY OF VESSEL.**—The Commandant shall deliver a vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) **OTHER EXCESS EQUIPMENT.**—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Police Department for use to enhance the operability of a vessel conveyed under the authority provided in subsection (a).

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant may require such additional terms and conditions in connection with a conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

TITLE V—BALLAST WATER TREATMENT
SEC. 501. SHORT TITLE.

This title may be cited as the “Ballast Water Treatment Act of 2008”.

SEC. 502. DECLARATION OF GOALS AND PURPOSES.

Section 1002 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

“(b) **DECLARATION OF GOALS AND PURPOSES.**—The objective of this Act is to eliminate the threat and impacts of nonindigenous aquatic nuisance species in the waters of the United States. In order to achieve this objective, it is declared that, consistent with the provisions of this Act—

“(1) it is the national goal that ballast water discharged into the waters of the United States will contain no living (viable) organisms by the year 2015;

“(2) it is the national policy that the introduction of nonindigenous aquatic nuisance species in the waters of the United States be prohibited; and

“(3) it is the national policy that Federal, State, and local governments and the private sector identify the most effective ways to coordinate prevention efforts, and harmonize environmentally sound methods to prevent, detect, monitor, and control nonindigenous aquatic nuisance species, in an expeditious manner.”.

(3) in subsection (c)(1) (as redesignated by paragraph (1) of this section)—

(A) by striking “prevent” and inserting “eliminate”; and

(B) by inserting “treatment” after “ballast water”;.

(4) in subsection (c)(2) (as so redesignated)—

(A) by inserting “, detection, monitoring,” after “prevention”; and

(B) by striking “the zebra mussel and other”;.

(5) in subsection (c)(3) (as so redesignated)—

(A) by inserting “detect,” after “prevent,”; and

(B) by striking “from pathways other than ballast water exchange”;.

(6) in subsection (c)(4) (as so redesignated) by striking “, including the zebra mussel”;.

(7) in subsection (c)(5) (as so redesignated)—

(A) by inserting “prevention,” after “in the”;.

(B) by inserting a comma after “management”; and

(C) by striking “zebra mussels” and inserting “aquatic nuisance species”.

SEC. 503. BALLAST WATER MANAGEMENT.

(a) **IN GENERAL.**—Section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) is amended to read as follows:

“SEC. 1101. BALLAST WATER MANAGEMENT.

“(a) **VESSELS TO WHICH THIS SECTION APPLIES.**—

“(1) **IN GENERAL.**—Except as provided in paragraphs (2), (3), (4), and (5), this section applies to a vessel that engages in the discharge of ballast water in waters subject to the jurisdiction of the United States that—

“(A) is designed, constructed, or adapted to carry ballast water; and

“(B)(i) is a vessel of the United States; or

“(ii) is a foreign vessel that—

“(I) is en route to a United States port or place; or

“(II) has departed from a United States port or place and is within waters subject to the jurisdiction of the United States.

“(2) **PERMANENT BALLAST WATER VESSELS.**—This section does not apply to a vessel that carries all of its permanent ballast water in sealed tanks that are not subject to discharge or a vessel that continuously takes on and discharges ballast water in a flow-through system.

“(3) **ARMED FORCES VESSELS.**—

“(A) **EXEMPTION.**—Except as provided in subparagraph (B), this section does not apply to a vessel of the Armed Forces.

“(B) **BALLAST WATER MANAGEMENT PROGRAM.**—The Secretary and the Secretary of Defense, after consultation with each other and with the Under Secretary and the heads of other appropriate Federal agencies as determined by the Secretary, shall implement a ballast water management program, including the issuance of standards for ballast water exchange and treatment and for sediment management, for vessels of the Armed Forces under their respective jurisdictions designed, constructed, or adapted to carry ballast water that are—

“(i) consistent with the requirements of this section, including the deadlines established by this section; and

“(ii) at least as stringent as the requirements issued for such vessels under section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

“(4) **SPECIAL RULE FOR SMALL RECREATIONAL VESSELS.**—In applying this section to recreational vessels less than 50 meters in length that have a maximum ballast water capacity of 8 cubic meters, the Secretary may issue alternative measures for managing ballast water in a manner that is consistent with the requirements of this section.

“(5) **MARAD VESSELS.**—Subsection (f) does not apply to any vessel in the National Defense Reserve Fleet that is scheduled to be disposed of through scrapping or sinking.

“(b) **UPTAKE AND DISCHARGE OF BALLAST WATER OR SEDIMENT.**—

“(1) **PROHIBITION.**—The operator of a vessel to which this section applies may not conduct the uptake or discharge of ballast water or sediment in waters subject to the jurisdiction of the United States except as provided in this section.

“(2) **EXCEPTIONS.**—Paragraph (1) does not apply to the uptake or discharge of ballast water or sediment in the following circumstances:

“(A) The uptake or discharge is solely for the purpose of—

“(i) ensuring the safety of the vessel in an emergency situation; or

“(ii) saving a life at sea.

“(B) The uptake or discharge is accidental and the result of damage to the vessel or its equipment and—

“(i) all reasonable precautions to prevent or minimize ballast water and sediment discharge have been taken before and after the damage occurs, the discovery of the damage, and the discharge; and

“(ii) the owner or officer in charge of the vessel did not willfully or recklessly cause the damage.

“(C) The uptake or discharge is solely for the purpose of avoiding or minimizing the discharge from the vessel of pollution that would otherwise violate applicable Federal or State law.

“(D) The uptake or discharge of ballast water and sediment occurs at the same location where the whole of that ballast water and that sediment originated and there is no mixing with ballast water and sediment from another area that has not been managed in accordance with the requirements of this section.

“(c) **VESSEL BALLAST WATER MANAGEMENT PLAN.**—

“(1) **IN GENERAL.**—The operator of a vessel to which this section applies shall conduct all ballast water management operations of that vessel in accordance with a ballast water management plan designed to minimize the discharge of aquatic nuisance species that—

“(A) meets the requirements prescribed by the Secretary by regulation; and

“(B) is approved by the Secretary.

“(2) **APPROVAL CRITERIA.**—

“(A) IN GENERAL.—The Secretary may not approve a ballast water management plan unless the Secretary determines that the plan—

“(i) describes in detail the actions to be taken to implement the ballast water management requirements established under this section;

“(ii) describes in detail the procedures to be used for disposal of sediment at sea and on shore in accordance with the requirements of this section;

“(iii) describes in detail safety procedures for the vessel and crew associated with ballast water management;

“(iv) designates the officer on board the vessel in charge of ensuring that the plan is properly implemented;

“(v) contains the reporting requirements for vessels established under this section and a copy of each form necessary to meet those requirements; and

“(vi) meets all other requirements prescribed by the Secretary.

“(B) FOREIGN VESSELS.—The Secretary may approve a ballast water management plan for a foreign vessel on the basis of a certificate of compliance issued by the vessel's country of registration if the government of that country requires the ballast water management plan for that vessel to include information comparable to the information required under regulations issued by the Secretary.

“(3) COPY OF PLAN ON BOARD VESSEL.—The owner or operator of a vessel to which this section applies shall—

“(A) maintain a copy of the vessel's ballast water management plan on board at all times; and

“(B) keep the plan readily available for examination by the Secretary and the head of the appropriate agency of the State in which the vessel is located at all reasonable times.

“(d) VESSEL BALLAST WATER RECORD BOOK.—

“(1) IN GENERAL.—The owner or operator of a vessel to which this section applies shall maintain, in English on board the vessel, a ballast water record book in which each operation of the vessel involving ballast water or sediment discharge is recorded in accordance with regulations issued by the Secretary.

“(2) AVAILABILITY.—The ballast water record book—

“(A) shall be kept readily available for examination by the Secretary and the head of the appropriate agency of the State in which the vessel is located at all reasonable times; and

“(B) notwithstanding paragraph (1), may be kept on the towing vessel in the case of an unmanned vessel under tow.

“(3) RETENTION PERIOD.—The ballast water record book shall be retained—

“(A) on board the vessel for a period of 3 years after the date on which the last entry in the book is made; and

“(B) under the control of the vessel's owner for an additional period of 3 years.

“(4) REGULATIONS.—In the regulations issued under this section, the Secretary shall require, at a minimum, that—

“(A) each entry in the ballast water record book be signed and dated by the officer in charge of the ballast water operation recorded;

“(B) each completed page in the ballast water record book be signed and dated by the master of the vessel; and

“(C) at least monthly, the owner or operator of the vessel transmit such information to the Secretary regarding the ballast operations of the vessel as the Secretary may require.

“(5) ALTERNATIVE MEANS OF RECORD-KEEPING.—The Secretary may provide, by

regulation, for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this subsection. Any electronic recordkeeping method authorized by the Secretary shall support the inspection and enforcement provisions of this Act and shall comply with applicable standards of the National Institute of Standards and Technology and the Office of Management and Budget governing reliability, integrity, identity authentication, and nonrepudiation of stored electronic data.

“(e) BALLAST WATER EXCHANGE REQUIREMENTS.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Until a vessel is required to conduct ballast water treatment in accordance with subsection (f), the operator of a vessel to which this section applies may not discharge ballast water in waters subject to the jurisdiction of the United States, except after—

“(i) conducting ballast water exchange as required by this subsection, in accordance with regulations issued by the Secretary;

“(ii) using ballast water treatment technology that meets the performance standards of subsection (f); or

“(iii) using environmentally sound alternative ballast water treatment technology if the Secretary determines that such treatment technology is at least as effective as the ballast water exchange required by clause (i) in preventing and controlling the introduction of aquatic nuisance species.

“(B) BALLAST WATER REGULATIONS.—Ballast water exchange regulations developed under subparagraph (A)(i) shall contain—

“(i) a provision for ballast water exchange that requires—

“(I) at least 1 empty-and-refill cycle, outside the exclusive economic zone or in an alternative exchange area designated by the Secretary, of each ballast tank that contains ballast water to be discharged into waters of the United States; or

“(II) for a case in which the master of a vessel determines that compliance with the requirement under subclause (I) is impracticable, a sufficient number of flow-through exchanges of ballast water, outside the exclusive economic zone or in an alternative exchange area designated by the Secretary, to achieve replacement of at least 95 percent of ballast water in ballast tanks of the vessel, as determined by a certification dye study conducted or model developed by the Secretary and recorded in the ballast water management plan of the vessel pursuant to subsection (c)(2)(A)(i); and

“(ii) if a ballast water exchange is not undertaken pursuant to subsection (h), a contingency procedure that requires the master of a vessel to use the best practicable technology or practice to treat ballast discharge.

“(C) TECHNOLOGY EFFICACY.—For purposes of this paragraph, a ballast water treatment technology shall be considered to be at least as effective as the ballast water exchange required by clause (i) in preventing and controlling the introduction of aquatic nuisance species if preliminary experiments prior to installation of the technology aboard the vessel demonstrate that the technology meets the ballast water discharge standard provided under Regulation D-2 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments as signed on February 13, 2004.

“(2) GUIDANCE; 5-YEAR USAGE.—

“(A) GUIDANCE.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall develop and issue guidance on technology that may be used under paragraph (1)(A)(iii).

“(B) 5-YEAR USAGE.—The Secretary shall allow a vessel using environmentally-sound alternative ballast treatment technology under paragraph (1)(A)(iii) to continue to use that technology for 5 years after the date on which the environmentally-sound alternative ballast water treatment technology was first placed in service on the vessel or the date on which treatment requirements under subsection (f) become applicable, whichever is later.

“(3) EXCHANGE AREAS.—

“(A) VESSELS OUTSIDE THE UNITED STATES EEZ.—The operator of a vessel en route to a United States port or place from a port or place outside the waters subject to the jurisdiction of the United States shall conduct ballast water exchange—

“(i) before arriving at a United States port or place;

“(ii) at least 200 nautical miles from the nearest point of land; and

“(iii) in water at least 200 meters in depth.

“(B) COASTAL VOYAGES.—The operator of a vessel originating from a port or place within the United States exclusive economic zone, or from a port within 200 nautical miles of the United States in Canada, Mexico, or other ports designated by the Secretary for purposes of this section, shall conduct ballast water exchange—

“(i) at least 50 nautical miles from the nearest point of land; and

“(ii) in water at least 200 meters in depth.

“(4) SAFETY OR STABILITY EXCEPTION.—

“(A) SECRETARIAL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the Secretary determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or its passengers.

“(B) MASTER OF THE VESSEL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the master of a vessel determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, equipment failure, or any other relevant condition.

“(C) NOTIFICATION REQUIRED.—Whenever the master of a vessel is unable to comply with the requirements of paragraph (3) because of a determination made under subparagraph (B), the master of the vessel shall—

“(i) notify the Secretary as soon as practicable thereafter but no later than 24 hours after making that determination and shall ensure that the determination, the reasons for the determination, and the notice are recorded in the vessel's ballast water record book; and

“(ii) undertake ballast water exchange—

“(I) in an alternative area that may be designated by the Secretary, after consultation with the Under Secretary, and other appropriate Federal agencies as determined by the Secretary, and representatives of States the waters of which may be affected by the discharge of ballast water; or

“(II) in accordance with paragraph (6) if safety or stability concerns prevent undertaking ballast water exchange in the alternative area.

“(D) REVIEW OF CIRCUMSTANCES.—If the master of a vessel conducts a ballast water discharge under the provisions of this paragraph, the Secretary shall review the circumstances to determine whether the discharge met the requirements of this paragraph. The review under this clause shall be in addition to any other enforcement authority of the Secretary.

“(5) DISCHARGE UNDER WAIVER.—

“(A) SUBSTANTIAL BUSINESS HARDSHIP WAIVER.—If, because of the short length of a voyage, the operator of a vessel is unable to discharge ballast water in accordance with the requirements of paragraph (3)(B) without substantial business hardship, as determined under regulations issued by the Secretary, the operator may request a waiver from the Secretary and discharge the ballast water in accordance with paragraph (6). A request for a waiver under this subparagraph shall be submitted to the Secretary at such time and in such form and manner as the Secretary may require.

“(B) SUBSTANTIAL BUSINESS HARDSHIP.—For purposes of subparagraph (A), the factors taken into account in determining substantial business hardship shall include whether—

“(i) compliance with the requirements of paragraph (3)(B) would require a sufficiently great change in routing or scheduling of service as to compromise the economic or commercial viability of the trade or business in which the vessel is operated; or

“(ii) it is reasonable to expect that the trade or business or service provided will be continued only if a waiver is granted under subparagraph (A).

“(6) PERMISSIBLE DISCHARGE.—

“(A) IN GENERAL.—The discharge of ballast water shall be considered to be carried out in accordance with this paragraph if it is—

“(i) in an area designated for that purpose by the Secretary, after consultation with the Under Secretary, the heads of other appropriate Federal agencies as determined by the Secretary, and representatives of any State that may be affected by discharge of ballast water in that area; or

“(ii) into a reception facility described in subsection (f)(2).

“(B) LIMITATION ON VOLUME.—The volume of any ballast water discharged under this paragraph may not exceed the volume necessary to ensure the safe operation of the vessel.

“(7) CERTAIN GEOGRAPHICALLY LIMITED ROUTES.—Notwithstanding paragraph (1), the operator of a vessel is not required to comply with the requirements of this subsection and subsection (h)(1)—

“(A) if the vessel operates exclusively—

“(i) within the Great Lakes ecosystem; or

“(ii) between or among the main group of the Hawaiian Islands; or

“(B) if the vessel operates exclusively within any area with respect to which the Secretary has determined, after consultation with the Under Secretary, the Administrator, and representatives of States the waters of which would be affected by the discharge of ballast water from the vessel, that the risk of introducing aquatic nuisance species through ballast water discharge in the areas in which the vessel operates is insignificant.

“(8) NATIONAL MARINE SANCTUARIES AND OTHER PROHIBITED AREAS.—

“(A) IN GENERAL.—A vessel may not conduct ballast water exchange or discharge ballast water under this subsection—

“(i) within a national marine sanctuary designated under the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.);

“(ii) a marine national monument designated under the Act of June 8, 1906 (chapter 3060; 16 U.S.C. 433 et seq.), popularly known as the Antiquities Act of 1906;

“(iii) a national park;

“(iv) in waters that are approved by the Administrator as a nondischarge zone under section 312(n)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1322(n)(7)); or

“(v) in any other waters designated by the Secretary, in consultation with the Under Secretary and the Administrator.

“(B) ADDITIONAL AREAS.—The Secretary shall, after consultation with the Under Secretary, the Administrator, and other appropriate Federal and State agencies, as determined by the Secretary, and opportunity for public comment, establish criteria for designating additional areas in which, due to their sensitive ecological nature, restrictions on the discharge of vessel ballast water or sediment containing aquatic nuisance species are warranted.

“(C) STATE WATERS.—The Governor of any State may submit a written petition to the Secretary to designate an area of State waters that meets the criteria established under subparagraph (B) of this paragraph. The petition shall include a detailed analysis as to how the area proposed to be designated meets those criteria. An area may not be designated under this paragraph until the Secretary determines, based on evidence provided by the Governor, that adequate alternative areas or reception facilities for discharging ballast water or sediment are available. Within 180 days after receiving such a petition, the Secretary shall—

“(i) make a determination as to whether the proposal meets the requirements of this paragraph for designation; and

“(ii) either—

“(I) publish a written notice of the petition and the proposed restrictions in the Federal Register; or

“(II) notify the Governor in writing that the area proposed for designation does not qualify for designation under this paragraph and include in the notice a detailed explanation of why the area does not qualify for designation under this paragraph.

“(D) PROCEDURE; DEADLINE.—Before designating any area in response to a petition under subparagraph (C), the Secretary, after providing an opportunity for public comment, shall publish notice in the Federal Register of the proposed designation. The Secretary and the Under Secretary shall make such information available through other appropriate mechanisms, including a notice to mariners and inclusion on nautical charts.

“(E) EFFECT ON STATE LAW.—Nothing in this paragraph supersedes any State law in effect as of January 1, 2007, that restricts the discharge of ballast water or sediment in State waters and requires such discharges to be made into reception facilities.

“(9) VESSELS WITHOUT PUMPABLE BALLAST WATER OR WITH NO BALLAST ON BOARD.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall promulgate regulations to minimize the discharge of invasive species from vessels entering a United States port or place from outside the United States exclusive economic zone that do not exchange their ballast water pursuant to paragraph (1)(A)(iii) of this subsection and claim no ballast on board, or that claim to be carrying only unpumpable quantities of ballast, including, at a minimum, a requirement that—

“(A) such a ship shall conduct saltwater flushing of ballast water tanks—

“(i) outside the exclusive economic zone; or

“(ii) at a designated alternative exchange site; and

“(B) before being allowed entry into the Great Lakes beyond the St. Lawrence Seaway, the master of such a vessel shall certify that the vessel has complied with each applicable requirement under this subsection.

“(F) BALLAST WATER TREATMENT REQUIREMENTS.—

“(1) PERFORMANCE STANDARDS.—A vessel to which this section applies shall conduct ballast water treatment in accordance with the requirements of this subsection before dis-

charging ballast water in waters subject to the jurisdiction of the United States so that the ballast water discharged will contain—

“(A) less than 1 living organism per 10 cubic meters that is 50 or more micrometers in minimum dimension;

“(B) less than 1 living organism per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

“(C) concentrations of indicator microbes that are less than—

“(i) 1 colony-forming unit of toxicogenic *Vibrio cholera* (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

“(ii) 126 colony-forming units of *Escherichia coli* per 100 milliliters; and

“(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

“(D) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary and the Administrator, after consultation with other appropriate Federal agencies as determined by the Secretary and the Administrator, that are less than the amount specified in those regulations.

“(2) RECEPTION FACILITY EXCEPTION.—

“(A) IN GENERAL.—Paragraph (1) does not apply to a vessel that discharges ballast water into—

“(i) a land-based facility for the reception of ballast water that meets standards issued by the Administrator; or

“(ii) a water-based facility for the reception of ballast water that meets standards issued by the Secretary.

“(B) ISSUANCE OF STANDARDS.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall issue standards for—

“(i) the reception of ballast water in land-based and water-based reception facilities; and

“(ii) the disposal or treatment of such ballast water in a way that does not impair or damage the environment, human health, property, or resources.

“(3) TREATMENT SYSTEM IMPLEMENTATION.—

“(A) IMO STANDARD IMPLEMENTATION.—A vessel to which this section applies shall have a ballast water treatment system that meets the standards provided under Regulation D-2 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments as signed on February 13, 2004, beginning on the date of the first drydocking of the vessel after December 31, 2008.

“(B) UNITED STATES STANDARD IMPLEMENTATION.—Paragraph (1) applies to a vessel to which this section applies beginning on the date of the first drydocking of the vessel after December 31, 2011, but not later than December 31, 2013.

“(C) PERIOD FOR USE OF EQUIPMENT.—The Secretary shall allow a vessel using a treatment system installed under this subsection to continue to use that system for 10 years after the date on which that system was first placed in service on the vessel.

“(4) TREATMENT SYSTEM APPROVAL REQUIRED.—The operator of a vessel to which this section applies may not use a ballast water treatment system to comply with the requirements of this subsection unless the system is approved by the Secretary. The Secretary, in consultation with the Administrator, shall issue regulations establishing a process for such approval, after consultation with the heads of other appropriate Federal agencies as determined by the Secretary.

“(5) RELIANCE ON CERTAIN REPORTS, DOCUMENTS, AND RECORDS.—In approving a ballast water treatment system under this subsection, the Secretary may rely on reports, documents, and records of persons that meet such requirements as the Secretary may prescribe.

“(6) FEASIBILITY REVIEW.—

“(A) IN GENERAL.—Not less than 2 years before January 1, 2012, the Secretary, in consultation with the Administrator, shall complete a review to determine whether appropriate technologies are available to achieve the performance standards set forth in paragraph (1). In reviewing the technologies the Secretary, the Administrator, and the heads of other appropriate Federal agencies as determined by the Secretary, shall consider—

“(i) the effectiveness of a technology in achieving the standards;

“(ii) feasibility in terms of compatibility with ship design and operations;

“(iii) safety considerations;

“(iv) whether a technology has an adverse impact on the environment; and

“(v) cost effectiveness.

“(B) DELAY IN SCHEDULED APPLICATION.—If the Secretary, in consultation with the Administrator, determines, on the basis of the review conducted under subparagraph (A), and after an opportunity for a public hearing, that technology that complies with the standards set forth in paragraph (1) in accordance with the schedule set forth in paragraph (3) is not available for any class of vessels, the Secretary shall require use of technology that achieves the performance levels of the best performing technology available. If the Secretary finds that no technology is available that will achieve the standards set forth in paragraph (1), then the Secretary shall—

“(i) extend the date on which that paragraph applies to vessels for a period of not more than 24 months; and

“(ii) recommend action to ensure that compliance with the extended date schedule for that subparagraph is achieved.

“(C) MORE PROTECTIVE STANDARDS; EARLIER IMPLEMENTATION.—

“(i) PERFORMANCE STANDARDS.—If the Secretary and the Administrator determine that ballast water treatment technology exists that exceeds the performance standards required under paragraph (1), the Secretary and the Administrator shall, for any class of vessels, revise the performance standards to incorporate the higher performance standards.

“(ii) IMPLEMENTATION.—If the Secretary and the Administrator determine that technology that achieves the applicable performance standards required under paragraph (1) can be implemented earlier than required by this subsection, the Secretary and the Administrator shall, for any class of vessels, accelerate the implementation schedule under paragraph (3). If the Secretary and the Administrator accelerate the implementation schedule pursuant to this clause, the Secretary and the Administrator shall provide at least 24 months notice before such accelerated implementation goes into effect.

“(iii) DETERMINATIONS NOT MUTUALLY EXCLUSIVE.—The Secretary and the Administrator shall take action under both clause (i) and clause (ii) if the Secretary and the Administrator make determinations under both clauses.

“(7) DELAY OF APPLICATION FOR VESSEL PARTICIPATING IN PROMISING TECHNOLOGY EVALUATIONS.—

“(A) IN GENERAL.—If a vessel participates in a program, including the Shipboard Technology Evaluation Program established under section 1104, using a technology approved by the Secretary to test and evaluate promising ballast water treatment tech-

nologies that are likely to result in treatment technologies achieving a standard that is the same as or more stringent than the standard that applies under paragraph (1) before the first date on which paragraph (1) applies to that vessel, the Secretary shall allow the vessel to use that technology for a 10-year period and such vessel shall be deemed to be in compliance with the requirements of paragraph (1) during that 10-year period.

“(B) VESSEL DIVERSITY.—The Secretary—

“(i) shall seek to ensure that a wide variety of vessel types and voyages are included in the program; but

“(ii) may not grant a delay under this paragraph to more than 5 percent of the vessels to which this section applies.

“(C) TERMINATION OF GRACE PERIOD.—The Secretary may terminate the 10-year grace period of a vessel under subparagraph (A) if—

“(i) the participation of the vessel in the program is terminated without the consent of the Secretary;

“(ii) the vessel does not comply with manufacturer's standards for operating the ballast water treatment technology used on such vessel; or

“(iii) the Secretary determines that the approved technology is insufficiently effective or is causing harm to the environment.

“(8) REVIEW OF STANDARDS.—

“(A) IN GENERAL.—In December 2012 and every third year thereafter, the Administrator and the Secretary shall complete review of ballast water treatment standards in effect under this subsection to determine, after consultation with the heads of other appropriate Federal agencies determined by the Administrator and the Secretary, if the standards under this subsection should be revised to reduce the amount of organisms or microbes allowed to be discharged, taking into account improvements in the scientific understanding of biological processes leading to the spread of aquatic nuisance species and improvements in ballast water treatment technology. The Administrator and the Secretary shall revise, by regulation, the requirements of this subsection as necessary.

“(B) APPLICATION OF ADJUSTED STANDARDS.—In the regulations, the Secretary and the Administrator shall provide for the prospective application of the adjusted standards issued under this paragraph to vessels constructed after the date on which the adjusted standards apply and for an orderly phase-in of the adjusted standards to existing vessels.

“(9) HIGH-RISK VOYAGES.—

“(A) VESSEL LIST.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall publish and regularly update a list of vessels, not equipped with ballast water equipment under this section, identified by the States that, due to factors such as the origin of their voyages, the frequency of their voyages, the volume of ballast water they carry, the biological makeup of the ballast water, and the fact that they frequently discharge ballast water under an exception to subsection (e), pose a high risk of introducing aquatic nuisance species into the waters of those States.

“(B) INCENTIVE PROGRAMS.—The Secretary shall give priority to vessels on the list for participation in a program described in paragraph (7). Any Federal agency, and any State agency with respect to vessels identified by such State to the Secretary for inclusion on a list under subparagraph (A), may develop and implement technology development programs or other incentives (whether positive or negative) in order to encourage the adoption of ballast water treatment technology by those vessels consistent with the requirements of this section on an expedited basis.

“(10) NONAPPLICABILITY OF VESSELS OPERATING EXCLUSIVELY IN DETERMINED AREA.—

“(A) IN GENERAL.—Except as provided in subparagraph (D), paragraph (1) does not apply to a vessel that operates exclusively within a geographically limited area if the Secretary and the Administrator have determined through a rulemaking proceeding, after consultation with the heads of other appropriate Federal agencies as determined by the Secretary and the Administrator, and representatives of States the waters of which could be affected by the discharge of ballast water from the vessel, that the risk of introducing aquatic nuisance species through ballast water discharge from the vessel is insignificant.

“(B) CERTAIN VESSELS.—A vessel constructed before January 1, 2001, that operates exclusively within the Great Lakes ecosystem shall be presumed not to pose a significant risk of introducing aquatic nuisance species unless the Secretary and the Administrator find otherwise in a rulemaking proceeding under subparagraph (A).

“(C) BEST PRACTICES.—The Secretary and the Administrator shall develop, and require a vessel exempted from complying with the requirements of paragraph (1) under this paragraph to follow, best practices to minimize the spreading of aquatic nuisance species in its operation area. The best practices shall be developed in consultation with the Governors of States that may be affected.

“(D) STOPPING THE SPREAD OF INFECTIOUS DISEASE.—The Secretary, at the request of the Secretary of Agriculture, shall require a vessel to which paragraph (1) does not apply in accordance with subparagraph (A) to have a ballast water treatment system approved by the Secretary under this subsection to stop the spread of infectious diseases to plants and animals as otherwise authorized by law.

“(11) TESTING PROTOCOLS AND LABORATORIES.—

“(A) IN GENERAL.—The Secretary and the Administrator, shall, no later than 90 days after the date of enactment of the Ballast Water Treatment Act of 2008 and without regard to chapter 5 of title 5, United States Code, issue interim protocols for verifying the performance of ballast water treatment technologies required by this Act, criteria for certifying laboratories to evaluate such technologies, and procedures for approving treatment equipment and systems for shipboard use.

“(B) PROTOCOLS AND PROCEDURES FOR TREATMENT TECHNOLOGIES.—In developing protocols and procedures for verifying and approving treatment technologies, the Secretary and the Administrator, shall consider using existing protocols and procedures including methods used as part of the Ballast Water Management Demonstration Program by the Environmental Protection Agency as a part of its Environmental Testing & Verification Program, or by the Secretary as part of the Coast Guard's Shipboard Technology Evaluation Program.

“(C) LABORATORIES.—The Secretary and the Administrator shall utilize Federal or non-Federal laboratories that meet standards established by the Secretary for the purpose of evaluating and certifying ballast water treatment technologies and equipment under this subsection.

“(D) REQUIREMENTS; UPDATES.—The Secretary and the Administrator shall periodically review and, if necessary, revise the criteria, protocols, and procedures developed under this paragraph.

“(12) PROGRAM TO SUPPORT THE PROMULGATION AND IMPLEMENTATION OF STANDARDS.—

“(A) IN GENERAL.—The Secretary and the Administrator, in coordination with the Under Secretary, the Task Force and other

appropriate Federal agencies, shall carry out a coordinated program to support the promulgation and implementation of standards under this subsection to prevent the introduction and spread of aquatic invasive species by vessels. The program established under this section shall, at a minimum—

“(i) characterize physical, chemical, and biological harbor conditions relevant to ballast discharge into United States waters to inform the design and implementation of ship vector control technologies and practices;

“(ii) develop testing protocols for determining the effectiveness of vessel vector monitoring and control technologies and practices;

“(iii) demonstrate methods for mitigating the spread of invasive species by coastal voyages, including exploring the effectiveness of alternative exchange zones in the near coastal areas and other methods proposed to reduce transfers of organisms;

“(iv) verify the practical effectiveness of any process for approving a type of alternative ballast water management as meeting standards established under this subsection, to ensure that the process produces repeatable and accurate assessments of treatment effectiveness; and

“(v) evaluate the effectiveness and residual risk and environmental impacts associated with any standard set with respect to the vessel pathways.

“(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized by this title, to carry out this paragraph there are authorized to be appropriated \$1,500,000 to the Secretary and \$1,500,000 to the Under Secretary for each of fiscal years 2008 through 2012.

“(g) WARNINGS CONCERNING BALLAST WATER UPTAKE.—

“(1) IN GENERAL.—The Secretary shall notify vessel owners and operators of any area in waters subject to the jurisdiction of the United States in which vessels may not uptake ballast water due to known conditions.

“(2) CONTENTS.—The notice shall include—

“(A) the coordinates of the area; and

“(B) if possible, the location of alternative areas for the uptake of ballast water.

“(h) SEDIMENT MANAGEMENT.—

“(1) IN GENERAL.—The operator of a vessel to which this section applies may not remove or dispose of sediment from spaces designed to carry ballast water, except—

“(A) in accordance with this subsection and the ballast water management plan approved under subsection (c); and

“(B)(i) more than 200 nautical miles from the nearest point of land; or

“(ii) into a reception facility that meets the requirements of paragraph (3).

“(2) DESIGN REQUIREMENTS.—

“(A) NEW VESSELS.—After December 31, 2008, a vessel to which this section applies may not be operated on waters subject to the jurisdiction of the United States, unless that vessel is designed and constructed in accordance with regulations issued under subparagraph (C) and in a manner that—

“(i) minimizes the uptake and entrapment of sediment;

“(ii) facilitates removal of sediment; and

“(iii) provides for safe access for sediment removal and sampling.

“(B) EXISTING VESSELS.—A vessel to which this section applies that was constructed before January 1, 2009, shall be modified, to the extent practicable, at the first drydocking of the vessel after December 31, 2008, but not later than December 31, 2013, to achieve the objectives described in subparagraph (A).

“(C) REGULATIONS.—The Secretary shall issue regulations establishing design and construction standards to achieve the objectives of subparagraph (A) and providing guid-

ance for modifications and practices under subparagraph (B). The Secretary shall incorporate the standards and guidance in the regulations governing the ballast water management plan approved under subsection (c).

“(3) SEDIMENT RECEPTION FACILITIES.—

“(A) STANDARDS.—The Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall issue regulations governing facilities for the reception of vessel sediment from spaces designed to carry ballast water that provide for the disposal of such sediment in a way that does not impair or damage the environment, human health, or property or resources of the disposal area.

“(B) DESIGNATION.—The Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary shall designate facilities for the reception of vessel sediment that meet the requirements of the regulations issued under subparagraph (A) at ports and terminals where ballast tanks are cleaned or repaired.

“(i) EXAMINATIONS AND CERTIFICATIONS.—

“(1) INITIAL EXAMINATION.—

“(A) IN GENERAL.—The Secretary shall examine vessels to which this section applies to determine whether—

“(i) there is a ballast water management plan for the vessel that is approved by the Secretary and a ballast water record book on the vessel that meets the requirements of subsection (d);

“(ii) the equipment used for ballast water and sediment management in accordance with the requirements of this section and the regulations issued under this section is installed and functioning properly.

“(B) NEW VESSELS.—For vessels constructed on or after January 1, 2009, the Secretary shall conduct the examination required by subparagraph (A) before the vessel is placed in service.

“(C) EXISTING VESSELS.—For vessels constructed before January 1, 2009, the Secretary shall—

“(i) conduct the examination required by subparagraph (A) before the date on which subsection (f)(1) applies to the vessel according to the schedule in subsection (f)(3); and

“(ii) inspect the vessel's ballast water record book required by subsection (d).

“(D) FOREIGN VESSEL.—In the case of a foreign vessel, the Secretary shall perform the examination required by this paragraph the first time the vessel enters a United States port.

“(2) SUBSEQUENT EXAMINATIONS.—In addition to the examination required by paragraph (1), the Secretary shall annually examine vessels to which this section applies, to ensure compliance with the requirements of this section and the regulations issued under this section.

“(3) INSPECTION AUTHORITY.—

“(A) IN GENERAL.—The Secretary may carry out inspections of any vessel to which this section applies at any time, including the taking of ballast water samples, to ensure compliance with this section. The Secretary shall use all appropriate and practical measures of detection and environmental monitoring such vessels and shall establish adequate procedures for reporting violations of this section and accumulating evidence regarding such violations.

“(B) INVESTIGATIONS.—

“(i) IN GENERAL.—Upon receipt of evidence that a violation of this section or a regulation issued under this section has occurred, the Secretary shall cause the matter to be investigated.

“(ii) ISSUANCE OF SUBPOENAS.—In an investigation under this subparagraph, the Secretary may issue subpoenas to require the attendance of any witness and the production of documents and other evidence.

“(iii) COMPELLING COMPLIANCE WITH SUBPOENAS.—In case of refusal to obey a subpoena issued under this subparagraph, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.

“(4) STATE PROGRAMS.—

“(A) SUBMISSION TO SECRETARY.—At any time after the date of issuance of ballast water treatment regulations issued under this section, the Governor of each State desiring to administer its own inspection and enforcement authority for ballast water discharges within its jurisdiction may submit to the Secretary a complete description of the program the Governor proposes to establish and administer under State law. In addition, the Governor shall submit a statement from the attorney general that the laws of such State provide adequate authority to carry out the described program.

“(B) APPROVAL.—The Secretary shall approve a program submitted under subparagraph (A), unless the Secretary determines that adequate resources do not exist or, in the case of ballast water testing, that adequate scientific expertise does not exist—

“(i) to inspect, monitor, and board any vessel to which this section applies at any time, including the taking and testing of ballast water samples, to ensure the vessel's compliance with this section;

“(ii) to ensure that any ballast water discharged within the waters subject to the jurisdiction of the State meet the ballast water requirements of this section and the regulations issued under this section, including any revisions to such requirements and regulations;

“(iii) to establish adequate procedures for reporting violations of this section;

“(iv) to investigate and abate violations of this section, including civil and criminal penalties and other ways and means of enforcement; and

“(v) to ensure that the Secretary receives notice of each violation of the ballast water treatment requirements issued under this section in an expeditious manner.

“(C) COMPLIANCE.—Any State program approved under this paragraph shall at all times be conducted in accordance with this section and regulations issued under this section.

“(D) WITHDRAWAL OF APPROVAL.—Whenever the Secretary determines, after public hearing, that a State is not administering a program approved under this paragraph in accordance with this section and regulations issued under this section, the Secretary shall notify the State and, if appropriate corrective action is not taken within a reasonable period of time not to exceed 90 days, the Secretary shall withdraw approval of the program. The Secretary shall not withdraw approval of any program unless the Secretary shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

“(E) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall limit the authority of the Secretary carry out inspections and investigations of any vessels under paragraph (3).

“(5) REQUIRED CERTIFICATE.—If, on the basis of an initial examination under paragraph (1), the Secretary finds that a vessel complies with the requirements of this section and the regulations issued under this section, the Secretary shall issue a certificate under this paragraph as evidence of such compliance. The certificate shall be valid for a period of not more than 5 years, as specified by the Secretary. The certificate or a true copy shall be maintained on board the vessel.

“(6) NOTIFICATION OF VIOLATIONS.—If the Secretary finds, on the basis of an examination under paragraph (1) or (2), investigation under paragraph (3), or any other information, that a vessel is being operated in violation of any requirement of this section or regulation issued under this section, the Secretary shall—

“(A) notify, in writing—

“(i) the master of the vessel; and

“(ii) the captain of the port at the vessel's next port of call;

“(B) remove from the vessel the certificate issued under paragraph (5);

“(C) take such other action as may be appropriate.

“(7) COMPLIANCE MONITORING.—

“(A) IN GENERAL.—The Secretary shall establish, by regulation, sampling and other procedures to monitor compliance with the requirements of this section and the regulations issued under this section.

“(B) USE OF MARKERS.—The Secretary may verify compliance with the discharge requirements of subsection (f) and the regulations issued under this section with respect to such requirements through identification of markers associated with a treatment technology's effectiveness, such as the presence of indicators associated with a certified treatment technology.

“(8) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance with the requirements of this section and the regulations issued under this section.

“(9) REPORT.—Beginning 1 year after final regulations have been adopted pursuant to this section after the enactment of the Ballast Water Treatment Act of 2008, and annually thereafter, the Secretary shall prepare a report summarizing the results of ballast water inspection and enforcement activities. The report shall, at a minimum, include information on the number of vessels inspected and the type of inspections, the status of implementation of treatment technologies, the number of exemptions claimed from ballast water exchange requirements, the number of violations, a summary of enforcement and regulatory actions, and overall compliance statistics. The report shall be made available on the National Ballast Information Clearinghouse established under section 1102(f).

“(j) DETENTION OF VESSELS.—The Secretary, by notice to the owner, charterer, managing operator, agent, master, or other individual in charge of a vessel, may detain that vessel if the Secretary has reasonable cause to believe that—

“(1) the vessel is a vessel to which this section applies; and

“(2) the vessel does not comply with any requirement of this section or regulation issued under this section or is being operated in violation of such a requirement or regulation.

“(k) SANCTIONS.—

“(1) CIVIL PENALTIES.—Any person who violates this section (including a regulation issued under this section) shall be liable for a civil penalty in an amount not to exceed \$32,500. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of this section (including a regulation issued under this section) is liable in rem for any civil penalty assessed under this subsection for that violation.

“(2) CRIMINAL PENALTIES.—Whoever knowingly violates this section (including a regulation issued under this section) shall be fined under title 18, United States, or imprisoned not more than 12 years, or both.

“(3) REVOCATION OF CLEARANCE.—Except as provided in subsection (j)(2), upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a

vessel required by section 60105 of title 46, United States Code, if the owner or operator of that vessel is in violation of this section or a regulation issued under this section.

“(1) ENFORCEMENT.—

“(1) ADMINISTRATIVE ACTIONS.—If the Secretary finds, after notice and an opportunity for a hearing, that a person has violated this section or a regulation issued under this section, the Secretary may assess a civil penalty for that violation. In determining the amount of the civil 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, any history of prior violations, and such other matters as justice may require.

“(2) CIVIL ACTIONS.—At the request of the Secretary, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section or any regulation issued under this section. Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctions and civil penalties.

“(m) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines and regulations to be issued under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico and any other government of a foreign country that the Secretary, after consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic nuisance species through ballast water.

“(n) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the Under Secretary, the Secretary of State, the Administrator, the heads of other relevant Federal agencies, the International Maritime Organization of the United Nations, and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic invasive species. The Secretary is particularly encouraged to seek bilateral or multilateral agreements with Canada, Mexico, and other nations in the Wider Caribbean Region (as defined in the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean, signed at Cartagena on March 24, 1993 (TIAF 11085), to carry out the objectives of this section.

“(o) NONDISCRIMINATION.—The Secretary shall ensure that foreign vessels do not receive more favorable treatment than vessels of the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.

“(p) CONSULTATION WITH TASK FORCE.—The Secretary shall consult with the Task Force in carrying out this section.

“(q) PREEMPTION.—

“(1) IN GENERAL.—Except as provided in subsection (i)(4) and paragraph (4) of this subsection but notwithstanding any other provision of law, the provisions of subsections (e) and (f) supersede any provision of State or local law that is inconsistent with the requirements of those subsections or that conflicts with the requirements of those subsections.

“(2) GREATER PENALTIES OR FEES.—For purpose of paragraph (1), the imposition by State or local law of greater penalties or fees for acts or omissions that are violations of

such law and also violations of this Act or the imposition by a State of incentives under subsection (f)(9)(B) shall not be considered to be inconsistent, or to conflict, with the requirements of subsections (e) and (f).

“(3) RECEPTION FACILITIES.—The standards issued by the Secretary or the heads of other appropriate Federal agencies under subsection (f)(2) do not supersede any more stringent standard under any otherwise applicable Federal, State, or local law.

“(4) LIMITATION ON APPLICATION.—Until January 1, 2012, this subsection does not apply to a State law requiring ballast water treatment and any regulations prescribed under that law as those laws and regulations were in effect on January 1, 2007.

“(r) LEGAL ACTIONS.—

“(1) CIVIL ACTION.—Any person may petition the Secretary to bring a civil action in an appropriate district court of the United States to enforce this section, or any regulation promulgated hereunder. Within 90 days after receiving such a petition, the Secretary shall—

“(A) respond to the person filing the petition with a determination of whether a violation of this section, or any regulation promulgated hereunder, has occurred or is occurring; and

“(B) if the Secretary determines that a violation of this section, or any regulation promulgated hereunder, has occurred or is occurring—

“(i) immediately bring a civil action in an appropriate district court of the United States to enforce this section, or any regulation promulgated hereunder; or

“(ii) demonstrate that the violation has ceased.

“(2) RELIEF.—Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctive relief and civil penalties.

“(s) COAST GUARD REPORT ON OTHER SOURCES OF VESSEL-BOURNE NUISANCE SPECIES.—

“(1) IN GENERAL.—

“(A) HULL-FOULING AND OTHER VESSEL SOURCES.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on vessel-related pathways of harmful aquatic organisms and pathogens other than ballast water and sediment, including vessel hulls and equipment, and from vessels equipped with ballast tanks that carry no ballast water on board.

“(B) BEST PRACTICES.—

“(i) IN GENERAL.—As soon as practicable, the Secretary shall develop best practices standards and procedures designed to reduce the introduction and spread of invasive species into and within the United States from vessels and establish a timeframe for implementation of those standards and procedures by vessels. Such standards and procedures shall include designation of geographical locations for uptake and discharge of untreated ballast water, as well as standards and procedure for other vessel pathways of aquatic invasive species.

“(ii) REPORT.—The Secretary shall transmit a report to the committees referred to in subparagraph (A) describing the standards and procedures developed under this subparagraph and the implementation timeframe, together with such recommendations as the Secretary determines appropriate.

“(iii) REGULATIONS.—The Secretary may issue regulations to incorporate and enforce standards and procedures developed under this paragraph.

“(2) TRANSITING VESSELS.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives containing—

“(A) an assessment of the magnitude and potential adverse impacts of ballast water operations from foreign vessels designed, adapted, or constructed to carry ballast water that are transiting waters subject to the jurisdiction of the United States; and

“(B) recommendations, including legislative recommendations if appropriate, of options for addressing ballast water operations of those vessels.”.

(b) DEFINITIONS.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by redesignating—

(A) paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) paragraphs (4), (5), and (6) as paragraphs (8), (9), and (10), respectively;

(C) paragraphs (7), (8), (9), and (10) as paragraphs (12), (13), (14), and (15), respectively;

(D) paragraphs (11) and (12) as paragraphs (17) and (18), respectively;

(E) paragraphs (13), (14), and (15) as paragraphs (20), (21), and (22), respectively;

(F) paragraph (16) as paragraph (27); and

(G) paragraph (17) as paragraph (23);

(2) by moving paragraph (23), as so redesignated, after paragraph (22), as so redesignated;

(3) by inserting before paragraph (2), as so redesignated, the following:

“(1) ‘Administrator’ means the Administrator of the Environmental Protection Agency.”;

(4) by striking paragraph (4), as so redesignated, and inserting the following:

“(4) ‘ballast water’ means—

“(A) water taken on board a vessel to control trim, list, draught, stability, or stresses of the vessel, including matter suspended in such water; or

“(B) any water placed into a ballast tank during cleaning, maintenance, or other operations.”;

(5) by inserting after paragraph (4), as so redesignated and amended, the following:

“(5) ‘ballast water capacity’ means the total volumetric capacity of any tanks, spaces, or compartments on a vessel that is used for carrying, loading, or discharging ballast water, including any multi-use tank, space, or compartment designed to allow carriage of ballast water;

“(6) ‘ballast water management’ means mechanical, physical, chemical, and biological processes used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediment;

“(7) ‘constructed’ means a state of construction of a vessel at which—

“(A) the keel is laid;

“(B) construction identifiable with the specific vessel begins;

“(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

“(D) the vessel undergoes a major conversion.”;

(6) by inserting after paragraph (10), as so redesignated, the following:

“(11) ‘foreign vessel’ has the meaning such term has under section 110 of title 46, United States Code.”;

(7) by inserting after paragraph (15), as so redesignated, the following:

“(16) ‘major conversion’ means a conversion of a vessel, that—

“(A) changes its ballast water carrying capacity by at least 15 percent;

“(B) changes the vessel class;

“(C) is projected to prolong the vessel’s life by at least 10 years (as determined by the Secretary); or

“(D) results in modifications to the vessel’s ballast water system, except—

“(i) component replacement-in-kind; or

“(ii) conversion of a vessel to meet the requirements of section 1101(e);”;

(8) by inserting after paragraph (18), as so redesignated, the following:

“(19) ‘sediment’ means matter that has settled out of ballast water within a vessel.”;

(9) in paragraph (12), as so redesignated, by striking the period at the end and inserting a semicolon;

(10) by inserting after paragraph (23), as so redesignated and moved, the following:

“(24) ‘United States port’ means a port, river, harbor, or offshore terminal under the jurisdiction of the United States, including ports located in Puerto Rico, Guam, and the United States Virgin Islands;

“(25) ‘vessel of the Armed Forces’ means—

“(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

“(B) any vessel owned or operated by the Department of Homeland Security that is designated by the Secretary as a vessel equivalent to a vessel described in subparagraph (A);

“(26) ‘vessel of the United States’ has the meaning such term has under section 116 of title 46, United States Code.”;

(11) in paragraph (23), as so redesignated, by striking the period at the end and inserting “.”;

(c) REPEAL OF SECTION 1103.—Section 1103 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4713) is repealed.

(d) INTERIM FINAL RULE.—The Secretary shall issue an interim final rule as a temporary regulation implementing the amendments made by this section as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations issued under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than one year after the date of enactment of this Act.

SEC. 504. NATIONAL BALLAST WATER MANAGEMENT INFORMATION.

Section 1102 (16 U.S.C. 4712) is amended—

(1) by adding at the end the following:

“(g) BALLAST WATER SURVEYS.—

“(1) IN GENERAL.—The Secretary shall conduct the following ballast water surveys:

“(A) A survey of the number of living organisms in untreated ballast water of a representative number of vessels, as determined by the Secretary.

“(B) A survey of the number of living organisms in the ballast water of a representative number of vessels, as determined by the Secretary, that has been exchanged on the high seas.

“(C) Surveys of the number of living organisms in the ballast water of vessels that are participating in a program to test and evaluate promising ballast water treatment, as approved by the Secretary.

“(2) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(A) a report on the results of the surveys under subparagraphs (A) and (B) of paragraph (1) by not later than 18 months after

the date of enactment of the Ballast Water Treatment Act of 2008; and

“(B) a report on the results of the surveys required under subparagraph (C) of paragraph (1) upon completion of each demonstration concerned.”;

(2) in subsection (b)(1)(B)(ii), by striking “guidelines issued and”;

(3) in subsection (b)(2)(B)(ii), by striking “voluntary guidelines issued, and regulations promulgated,” and inserting “regulations promulgated”;

(4) in subsection (c)(1), by striking “section 1101(b)” and inserting “section 1101(a)”;

(5) in subsection (f)(1)(B), by striking “guidelines issued pursuant to section 1101(c)” and inserting “regulations issued pursuant to section 1101”.

SEC. 505. BALLAST WATER MANAGEMENT EVALUATION AND DEMONSTRATION PROGRAM.

Section 1104 (16 U.S.C. 4714) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 1104. BALLAST WATER TREATMENT TECHNOLOGY EVALUATION AND DEMONSTRATION PROGRAMS.”;

(2) by striking subsection (a);

(3) by redesignating subsection (b) as subsection (a);

(4) by redesignating subsection (c) as subsection (d);

(5) in subsection (a), as so redesignated—

(A) by striking so much as precedes paragraph (2) and inserting the following:

“(a) SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a Shipboard Technology Evaluation Program to evaluate ballast water treatment technologies aboard vessels to prevent aquatic nuisance species from being introduced into and spread through discharges of ballast water in waters of the United States.”; and

(B) in paragraph (2) by striking “of the technologies and practices used in the demonstration program” and inserting “of ballast water treatment technologies used in the program”;

(6) in subsection (a)(3), as so redesignated, by striking “technologies and practices” and all that follows through “shall—” and inserting “ballast water treatment technologies on vessels under this subsection, the Secretary shall—”;

(7) in subsection (a)(3)(A), as so redesignated, by striking clause (i) and redesignating clauses (ii) and (iii) in order as clauses (i) and (ii);

(8) by amending subsection (a)(3)(A)(i), as so redesignated, to read as follows:

“(i) have ballast water systems conducive to testing aboard the vessel; and”;

(9) by amending subsection (a)(3)(C), as so redesignated, to read as follows:

“(C) seek to use a variety of vessel types.”;

(10) by amending subsection (a)(4), as so redesignated, to read as follows:

“(4) SELECTION OF BALLAST WATER TREATMENT TECHNOLOGIES.—In order for a ballast water treatment technology to be eligible to be installed on vessels for evaluation under this section, such technology must be, at a minimum—

“(A) determined by the Secretary to have the demonstrated potential to reduce the number of organisms greater than or equal to 50 microns in minimum dimension in discharged ballast water to fewer than 10 living organisms per cubic meter of water;

“(B) cost-effective;

“(C) environmentally sound;

“(D) operationally practical;

“(E) able to be retrofitted on existing vessels or incorporated in new vessel design (or both);

“(F) safe for a vessel and crew; and

“(G) accessible to monitoring.”;

(11) in subsection (a), as so redesignated, by adding at the end the following:

“(6) **AUTHORITY OF SECRETARY TO REVIEW AND REVISE CRITERIA.**—The Secretary may review and revise the criteria described in paragraph (4)(A) to require ballast water treatment technologies to meet a more stringent ballast water discharge standard, including standards promulgated under section 1101(f), before being eligible for installation aboard vessels under the program.”;

(12) by inserting after subsection (a), as so redesignated, the following:

“(b) **SHIPBOARD TECHNOLOGY DEMONSTRATION PROGRAM.**—

“(1) **IN GENERAL.**—The Under Secretary, with the concurrence of and in cooperation with the Secretary, shall conduct a program to demonstrate ballast water treatment technologies evaluated aboard vessels under subsection (a) to prevent aquatic nuisance species from being introduced into and spread through ballast water in waters of the United States.

“(2) **LOCATION.**—The installation and construction of ballast water treatment technologies used in the demonstration program under this subsection shall be performed in the United States.

“(3) **VESSEL ELIGIBILITY.**—Vessels eligible to participate in the demonstration program under this subsection shall consist only of vessels that have been accepted into and are actively participating in the Shipboard Technology Evaluation Program under subsection (a).

“(4) **GRANTS.**—

“(A) **IN GENERAL.**—The Under Secretary shall establish a grant program to provide funding for acquiring, installing, and operating ballast water treatment technologies aboard vessels participating in the program under this subsection.

“(B) **MATCHING REQUIREMENTS.**—The amount of Federal funds used for any demonstration project under this subsection—

“(i) shall not exceed \$1,000,000; and

“(ii) shall not exceed 50 percent of the total cost of such project.

“(C) **ALTERNATIVE SHIP PATHWAY PROGRAM.**—

“(1) **IN GENERAL.**—The Under Secretary, with the concurrence of and in cooperation with the Secretary, shall conduct a program to demonstrate and verify technologies and practices to monitor and control the introduction of aquatic invasive species by ship pathways other than the release of ballast water.

“(2) **SELECTION OF METHODS.**—The Under Secretary may not select technologies and practices for demonstration or verification under paragraph (1) unless such technologies and practices, in the determination of the Under Secretary, in consultation with the Secretary, meet the criteria outlined in subparagraphs (B) through (G) of subsection (a)(4).

“(3) **LOCATION.**—The installation and construction of technologies and practices for demonstration and verification under this subsection shall be performed in the United States.”; and

(13) in subsection (d), as so redesignated, by striking “Secretary of the Interior” each place it appears and inserting “Secretary, in consultation with the Under Secretary.”.

SEC. 506. RAPID RESPONSE PLAN.

Subtitle C of title I of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721 et seq.) is amended by adding at the end the following:

“SEC. 1210. RAPID RESPONSE PLAN.

“(a) **PREPARATION BY PRESIDENT.**—The President shall prepare and publish a national rapid response plan for killing, remov-

ing, or minimizing the spread of aquatic nuisance species in the waters of the United States in accordance with this section.

“(b) **CONTENTS.**—The national rapid response plan shall provide for efficient, coordinated, and effective action to minimize damage from aquatic nuisance species in the navigable waters of the United States, including killing, containing, and removal of the aquatic nuisance species, and shall include the following:

“(1) Assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies and port authorities and private entities.

“(2) Identification, procurement, maintenance, and storage of equipment and supplies needed to facilitate the killing, containment, and removal of aquatic nuisance species under this section.

“(3) Establishment or designation by the President of Federal aquatic nuisance species response teams, consisting of—

“(A) personnel who shall be trained and prepared by the President and shall be available to provide necessary services to carry out the national rapid response plan;

“(B) adequate equipment and material needed to facilitate the killing, containment, and removal of aquatic nuisance species under this section; and

“(C) a detailed plans to kill, contain, and remove aquatic nuisance species, including measures to protect fisheries and wildlife.

“(4) A system of surveillance and notice designed to safeguard against, as well as ensure earliest possible notice of, the introduction of aquatic nuisance species and imminent threats of such introduction to the appropriate State and Federal agencies.

“(5) Establishment by the President of a national center to provide coordination and direction for operations in carrying out the plan.

“(6) Procedures and techniques to be employed in identifying, containing, killing, and removing aquatic nuisance species in the waters of the United States.

“(7) A schedule, prepared by the President in cooperation with the States, identifying—

“(A) mitigating devices and substances, if any, that may be used in carrying out the plan;

“(B) the waters in which such mitigating devices and substances may be used; and

“(C) the quantities of such mitigating device or substance which can be used safely in such waters.

“(8) A system whereby the State or States affected by an aquatic nuisance species may act where necessary to remove such species.

“(9) Establishment by the President of criteria and procedures to ensure immediate and effective Federal identification of, and response to, an introduction of aquatic nuisance species.

“(10) Designation by the President of the Federal official who shall be the Federal on-scene coordinator for measures taken to kill, contain, and remove aquatic nuisance species under this section.

“(11) A fish and wildlife response plan for the immediate and effective protection, rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat that are harmed or that may be jeopardized by an introduction of an aquatic nuisance species.

“(c) **FEDERAL REMOVAL AUTHORITY.**—

“(1) **REMOVAL REQUIREMENT.**—

“(A) **IN GENERAL.**—The President shall ensure, in accordance with the national rapid response plan, effective and immediate killing, containing, and removal of the aquatic nuisance species in the waters of the United States.

“(B) **DISCRETIONARY AUTHORITY.**—In carrying out this paragraph, the President may—

“(i) kill, contain, and remove an aquatic nuisance species, at any time; and

“(ii) direct or monitor all Federal, State, and private actions to kill, contain, and remove the aquatic nuisance species.

“(2) **ACTIONS IN ACCORDANCE WITH NATIONAL RAPID RESPONSE PLAN.**—Each Federal agency, State, owner or operator, or other person participating in efforts under this subsection shall act in accordance with the national rapid response plan or as directed by the President to carry out the plan.”.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

Section 1301(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(a)) is amended—

(1) by striking “and” after the semicolon in paragraph (4)(B);

(2) by striking the period at the end of paragraph (5)(B) and inserting a semicolon; and

(3) by adding at the end the following:

“(6) \$20,000,000 for each of fiscal years 2008 through 2012 to the Secretary to carry out section 1101;

“(7) \$500,000 to the Secretary for each of fiscal years 2008 through 2013 to carry out section 1102(f);

“(8) \$6,000,000 to the Under Secretary for each of fiscal years 2008 through 2013 to carry out paragraph (4) of section 1104(b); and

“(9) \$1,500,000 to the Under Secretary for each of fiscal years 2008 through 2013 to carry out section 1104(c).”.

TITLE VI—MARITIME POLLUTION PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the “Maritime Pollution Prevention Act of 2008”.

SEC. 602. REFERENCES.

Wherever in this title an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

SEC. 603. DEFINITIONS.

Section 2(a) (33 U.S.C. 1901(a)) is amended—

(1) by redesignating the paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) ‘Administrator’ means the Administrator of the Environmental Protection Agency.”;

(3) in paragraph (5) (as so redesignated) by striking “and V” and inserting “V, and VI”;

(4) in paragraph (6) (as so redesignated) by striking “‘discharge’ and ‘garbage’ and ‘harmful substance’ and ‘incident’” and inserting “‘discharge’, ‘emission’, ‘garbage’, ‘harmful substance’, and ‘incident’”; and

(5) by redesignating paragraphs (7) through (13) (as redesignated) as paragraphs (8) through (14), respectively, and inserting after paragraph (6) (as redesignated) the following:

“(7) ‘navigable waters’ includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States.”.

SEC. 604. APPLICABILITY.

Section 3 (33 U.S.C. 1902) is amended—

(1) in subsection (a)—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “; and”; and

(C) by adding at the end the following:

“(5) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—

“(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;

“(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

“(i) the navigable waters of the United States;

“(ii) an emission control area designated pursuant to section 4; or

“(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;

“(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—

“(i) the navigable waters of the United States;

“(ii) an emission control area designated under section 4; or

“(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and

“(D) to the extent consistent with international law, to any other ship that is in—

“(i) the exclusive economic zone of the United States;

“(ii) the navigable waters of the United States;

“(iii) an emission control area designated under section 4; or

“(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.”;

(2) in subsection (b)—

(A) in paragraph (1) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

and

(B) by adding at the end the following:

“(3) With respect to Annex VI the Administrator, or the Secretary, as relevant to their authorities pursuant to this Act, may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels, except that such a determination by the Administrator shall have no effect unless the head of the Department or agency under which the vessels operate concurs in the determination. This paragraph does not apply during time of war or during a declared national emergency.”;

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively, and inserting after subsection (b) the following:

“(C) APPLICATION TO OTHER PERSONS.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention.”; and

(4) in subsection (e), as redesignated—

(A) by inserting “or the Administrator, consistent with section 4 of this Act,” after “Secretary”;

(B) by striking “of section (3)” and inserting “of this section”;

(C) by striking “Protocol, including regulations conforming to and giving effect to the requirements of Annex V” and inserting “Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI”.

SEC. 605. ADMINISTRATION AND ENFORCEMENT.

Section 4 (33 U.S.C. 1903) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

“(b) DUTY OF THE ADMINISTRATOR.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

“(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization's Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United States for a vessel of the United States as that term is defined in section 116 of title 46, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act or regulations prescribed under that Act.

“(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

“(3) The Administrator shall, only as specified in section 8(f), have authority to enforce Annex VI of the Convention.”;

(2) in subsection (c), as redesignated, by redesignating paragraph (2) as paragraph (4), and inserting after paragraph (1) the following:

“(2) In addition to the authority the Secretary has to prescribe regulations under this Act, the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

“(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect to regulation 19, with the Secretary of the Interior.”; and

(3) by adding at the end of subsection (c), as redesignated, the following:

“(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.”.

SEC. 606. CERTIFICATES.

Section 5 (33 U.S.C. 1904) is amended—

(1) in subsection (a) by striking “The Secretary” and inserting “Except as provided in section 4(b)(1), the Secretary”;

(2) in subsection (b) by striking “Secretary under the authority of the MARPOL protocol.” and inserting “Secretary or the Administrator under the authority of this Act.”; and

(3) in subsection (e) by striking “environment.” and inserting “environment or the public health and welfare.”.

SEC. 607. RECEPTION FACILITIES.

Section 6 (33 U.S.C. 1905) is amended—

(1) in subsection (a) by adding at the end the following:

“(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may joint-

ly prescribe regulations to certify, and may issue certificates to the effect, that a port's or terminal's facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.”;

(2) in subsection (b) by inserting “or the Administrator” after “Secretary”;

(3) in subsection (e) by striking paragraph (2) and inserting the following:

“(2) The Secretary may deny the entry of a ship to a port or terminal required by the MARPOL Protocol, this Act, or regulations prescribed under this section relating to the provision of adequate reception facilities for garbage, ozone depleting substances, equipment containing those substances, or exhaust gas cleaning residues, if the port or terminal is not in compliance with the MARPOL Protocol, this Act, or those regulations.”;

(4) in subsection (f)(1) by striking “Secretary is” and inserting “Secretary and the Administrator are”; and

(5) in subsection (f)(2) by striking “(A)”.

SEC. 608. INSPECTIONS.

Section 8(f) (33 U.S.C. 1907(f)) is amended to read as follows:

“(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.

“(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary, or the Administrator in a matter referred by the Secretary, may undertake enforcement action under this section.

“(3) Notwithstanding subsection (b) and paragraph (2) of this subsection, the Administrator shall have all of the authorities of the Secretary, as specified in subsection (b) of this section, for the purposes of enforcing regulations 17 and 18 of Annex VI to the Convention to the extent that shoreside violations are the subject of the action and in any other matter referred to the Administrator by the Secretary.”.

SEC. 609. AMENDMENTS TO THE PROTOCOL.

Section 10(b) (33 U.S.C. 1909(b)) is amended by inserting “or the Administrator as provided for in this Act,” after “Secretary.”.

SEC. 610. PENALTIES.

Section 9 (33 U.S.C. 1908) is amended—

(1) by striking “Protocol,” each place it appears and inserting “Protocol.”;

(2) in subsection (b)—

(A) by inserting “, or the Administrator as provided for in this Act” after “Secretary” the first place it appears;

(B) in paragraph (2), by inserting “, or the Administrator as provided for in this Act,” after “Secretary”; and

(C) in the matter after paragraph (2)—

(i) by inserting “, or the Administrator as provided for in this Act” after “Secretary” the first place it appears; and

(ii) by inserting “, or the Administrator as provided for in this Act,” after “Secretary” the second and third places it appears;

(3) in subsection (c), by inserting “, or the Administrator as provided for in this Act,” after “Secretary” each place it appears; and

(4) in subsection (f), by inserting “, or the Administrator as provided for in this Act” after “Secretary” the first place it appears.

SEC. 611. EFFECT ON OTHER LAWS.

Section 15 (33 U.S.C. 1911) is amended to read as follows:

“SEC. 15. EFFECT ON OTHER LAWS.

“Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall

limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.”.

TITLE VII—PORT SECURITY

SEC. 701. MARITIME HOMELAND SECURITY PUBLIC AWARENESS PROGRAM.

The Secretary of Homeland Security shall establish a program to help prevent acts of terrorism and other activities that jeopardize maritime homeland security, by seeking the cooperation of the commercial and recreational boating industries and the public to improve awareness of activity in the maritime domain and report suspicious or unusual activity.

SEC. 702. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL.

(a) ASSESSMENT OF TWIC PROGRAM IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 120 days after implementing the Transportation Worker Identification Credential program (in this section referred to as “TWIC”) at the ten ports designated top priority by the Secretary of Homeland Security, as required by section 70105(i)(2)(A) of title 46, United States Code, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate and to the Comptroller General of the United States a report containing an assessment of the progress of the program’s implementation. The report shall include—

(A) the number of workers enrolled in the program to date and the extent to which key metrics and contract requirements have been met; and

(B) an overview of the challenges encountered during implementation of the enrollment process, and plans for how these challenges will be addressed as the program is implemented at additional ports.

(2) GAO ASSESSMENT.—The Comptroller General shall review the report and submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report’s findings and recommendations.

(b) ASSESSMENT OF TWIC PILOT.—

(1) IN GENERAL.—Not later than 120 days after completing the pilot program under section 70105(k)(1) of title 46, United States Code, to test TWIC access control technologies at port facilities and vessels nationwide, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate and to the Comptroller General a report containing an assessment of the results of the pilot. The report shall include—

(A) the findings of the pilot program with respect to key technical and operational aspects of implementing TWIC technologies in the maritime sector;

(B) a comprehensive listing of the extent to which established metrics were achieved during the pilot program; and

(C) an analysis of the viability of those technologies for use in the maritime environment, including any challenges to implementing those technologies and strategies for mitigating identified challenges.

(2) GAO ASSESSMENT.—The Comptroller General shall review the report and submit to the Committee on Homeland Security of

the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report’s findings and recommendations.

SEC. 703. STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study comparing those background records checks required under section 70105 of title 46, United States Code, and those conducted by States for similar homeland security purposes.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate on the results of the study, including—

(1) an identification of redundancies and inefficiencies in connection with such checks referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

SEC. 704. REVIEW OF INTERAGENCY OPERATIONAL CENTERS.

(a) IN GENERAL.—Within 180 days of enactment of this Act, the Department of Homeland Security Inspector General shall provide a report to the Committee on Homeland Security of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate concerning the establishment of Interagency Operational Centers for Port Security required by section 108 of the SAFE Port Act (Public Law 109-347).

(b) REPORT.—The report shall include—

(1) an examination of the Department’s efforts to establish the Interagency Operational Centers;

(2) a timeline for construction;

(3) a detailed breakdown, by center, as to the incorporation of those representatives required by section 70107A(b)(3) of title 46, United States Code;

(4) an analysis of the hurdles faced by the Department in developing these centers;

(5) information on the number of security clearances attained by State, local, and tribal officials participating in the program; and

(6) an examination of the relationship between the Interagency Operational Centers and State, local and regional fusion centers participating in the Department of Homeland Security’s State, Local, and Regional Fusion Center Initiative under section 511 of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53), with a particular emphasis on—

(A) how the centers collaborate and coordinate their efforts; and

(B) the resources allocated by the Coast Guard to both initiatives.

SEC. 705. MARITIME SECURITY RESPONSE TEAMS.

(a) IN GENERAL.—Section 70106 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) MARITIME SECURITY RESPONSE TEAMS.—

“(1) IN GENERAL.—In addition to the maritime safety and security teams, the Secretary shall establish no less than two maritime security response teams to act as the Coast Guard’s rapidly deployable counterterrorism and law enforcement response units that can apply advanced interdiction skills in response to threats of maritime terrorism.

“(2) MINIMIZATION OF RESPONSE TIME.—The maritime security response teams shall be stationed in such a way to minimize, to the extent practicable, the response time to any reported maritime terrorist threat.

“(d) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team and maritime security response team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.”.

SEC. 706. COAST GUARD DETECTION CANINE TEAM PROGRAM EXPANSION.

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

(1) CANINE DETECTION TEAM.—The term “detection canine team” means a canine and a canine handler that are trained to detect narcotics or explosives, or other threats as defined by the Secretary.

(2) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(b) DETECTION CANINE TEAMS.—

(1) INCREASED CAPACITY.—Not later than 240 days after the date of enactment of this Act, the Secretary shall—

(A) begin to increase the number of detection canine teams certified by the Coast Guard for the purposes of maritime-related security by no fewer than 10 canine teams annually through fiscal year 2012; and

(B) encourage owners and operators of port facilities, passenger cruise liners, oceangoing cargo vessels, and other vessels identified by the Secretary to strengthen security through the use of highly trained detection canine teams.

(2) CANINE PROCUREMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall—

(A) procure detection canine teams as efficiently as possible, including, to the greatest extent possible, through increased domestic breeding, while meeting the performance needs and criteria established by the Commandant;

(B) support expansion and upgrading of existing canine training facilities operated by the department in which the Coast Guard is operating; and

(C) as appropriate, partner with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector to increase the breeding and training capacity for Coast Guard canine detection teams.

(c) DEPLOYMENT.—The Secretary shall prioritize deployment of the additional canine teams to ports based on risk, consistent with the Security and Accountability For Every Port Act of 2006 (Public Law 109-347).

(d) AUTHORIZATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 707. COAST GUARD PORT ASSISTANCE PROGRAM.

Section 70110 of title 46, United States Code, is amended by adding at the end the following:

“(f) COAST GUARD ASSISTANCE PROGRAM.—

“(1) IN GENERAL.—The Secretary may lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

“(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards;

“(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

“(C) to assist the port or facility in exceeding the standards described in subparagraphs (A) and (B).

“(2) CONDITIONS.—The Secretary—

“(A) shall provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them;

“(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards; and

“(C) may only lend, lease, or otherwise provide equipment that the Secretary has first determined is not required by the Coast Guard for the performance of its missions.”.

SEC. 708. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may conduct, in the maritime environment, a pilot program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure that the pilot program is coordinated with other biometric identification programs within the Department of Homeland Security and shall evaluate the costs and feasibility of expanding the capability to all Coast Guard cutters, stations and deployable maritime teams, and other appropriate Department of Homeland Security maritime vessels and units.

(c) DEFINITION.—For purposes of this section, the term “biometric identification” means use of fingerprint and digital photography images.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as appropriate to carry out this section.

SEC. 709. REVIEW OF POTENTIAL THREATS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report analyzing the threat, vulnerability, and consequence of a terrorist attack on gasoline and chemical cargo shipments in port activity areas in the United States.

SEC. 710. PORT SECURITY PILOT.

The Secretary of Homeland Security shall establish a pilot program to test and deploy preventive radiological or nuclear detection equipment on Coast Guard vessels and other locations in select port regions to enhance border security and for other purposes. The pilot program shall leverage existing Federal grant funding to support this program and the procurement of additional equipment.

SEC. 711. ADVANCE NOTICE OF PORT ARRIVAL OF SIGNIFICANT OR FATAL INCIDENTS INVOLVING U.S. PERSONS.

(a) REQUIREMENT.—The Secretary of Homeland Security shall require the owner or operator of a cruise ship that embarks or disembarks passengers in a United States port to notify the Secretary of any covered security incident that occurs on the cruise ship in the course of the voyage (or voyage segment) in which a U.S. person is involved, in conjunction with any advance notice of arrival to a United States port required by part 160 of title 33, Code of Federal Regulations.

(b) DEFINITIONS.—For the purposes of this section:

(1) COVERED SECURITY INCIDENT.—The term “covered security incident” means any

criminal act or omission that results in death or bodily injury, all sexual assaults and missing persons, or any other incident that poses a significant threat to the cruise ship, any cruise ship passenger, any port facility, or any person in or near the port.

(2) CRUISE SHIP.—The term “cruise ship” means a vessel on an international voyage that embarks or disembarks passengers at a port of United States jurisdiction to which subpart C of part 160 of title 33, Code of Federal Regulations, applies and that provides overnight accommodations.

(3) U.S. PERSON.—The term “U.S. person” means a citizen of the United States and an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(20))).

(4) UNITED STATES.—The term “United States” means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(c) SAVINGS CLAUSE.—Nothing in this section shall be interpreted to discourage immediate notification to the Secretary of a covered security incident, nor shall this section prohibit earlier notifications of covered security incidents otherwise required by law or regulation.

SEC. 712. SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following: “The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 70110 of title 46, United States Code, is amended—

(A) by inserting “or facilities” after “ports” in the section heading;

(B) by inserting “or facility” after “port” each place it appears; and

(C) by striking “PORTS” in the heading for subsection (e) and inserting “PORTS, FACILITIES.”.

(2) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

“70110. Actions and assistance for foreign ports or facilities and United States territories”.

SEC. 713. SEASONAL WORKERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effects that the Transportation Worker Identification Card (in this section referred to as “TWIC”) required by section 70105 of title 46, United States Code, has on companies that employ seasonal employees.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the study, including—

(1) costs associated in requiring seasonal employees to obtain TWIC cards on companies

(2) whether the Coast Guard and Transportation Security Administration are processing TWIC applications quickly enough for seasonal workers to obtain TWIC certification;

(3) whether TWIC compliance costs or other factors have led to a reduction in service;

(3) the impact of TWIC on the recruiting and hiring of seasonal and other temporary employees; and

(4) an assessment of possible alternatives to TWIC certification that may be used for seasonal employees including any security vulnerabilities created by those alternatives.

SEC. 714. COMPARATIVE RISK ASSESSMENT OF VESSEL-BASED AND FACILITY-BASED LIQUEFIED NATURAL GAS REGASIFICATION PROCESSES.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall enter into an arrangement for the performance of an independent study to conduct a comparative risk assessment examining the relative safety and security risk associated with vessel-based and facility-based liquefied natural gas regasification processes conducted within 3 miles from land versus such processes conducted more than 3 miles from land.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant, shall provide a report on the findings and conclusions of the study required by this section to the Committees on Homeland Security, Transportation and Infrastructure, and Energy and Commerce of the House of Representatives, and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate.

SEC. 715. PILOT PROGRAM FOR FINGERPRINTING OF MARITIME WORKERS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish procedures providing for an individual who is required to be fingerprinted for purposes of obtaining a transportation security card under section 70105 of title 46, United States Code, to be fingerprinted at any facility operated by or under contract with an agency of the Department of Homeland Security that fingerprints the public for the Department.

(b) EXPIRATION.—This section expires on December 31, 2012.

SEC. 716. TRANSPORTATION SECURITY CARDS ON VESSELS.

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting after “title” the following: “allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title”; and

(2) in subparagraph (D), by inserting after “tank vessel” the following: “allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title”.

SEC. 717. INTERNATIONAL LABOR STUDY.

The Comptroller General of the United States shall conduct a study of methods to conduct a background security investigation of an individual who possesses a biometric identification card that complies with International Labor Convention number 185 that are equivalent to the investigation conducted on individuals applying for a visa to enter the United States. The Comptroller General shall submit a report on the study within 180 days after the date of enactment of this Act to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 718. MARITIME SECURITY ADVISORY COMMITTEES.

Section 70112 of title 46, United States Code, is amended—

(1) by amending subsection (b)(5) to read as follows:

“(5)(A) The National Maritime Security Advisory Committee shall be composed of—

“(i) at least 1 individual who represents the interests of the port authorities;

“(ii) at least 1 individual who represents the interests of the facilities owners or operators;

“(iii) at least 1 individual who represents the interests of the terminal owners or operators;

“(iv) at least 1 individual who represents the interests of the vessel owners or operators;

“(v) at least 1 individual who represents the interests of the maritime labor organizations;

“(vi) at least 1 individual who represents the interests of the academic community;

“(vii) at least 1 individual who represents the interests of State or local governments; and

“(viii) at least 1 individual who represents the interests of the maritime industry.

“(B) Each Area Maritime Security Advisory Committee shall be composed of individuals who represents the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas.”; and

(2) in subsection (g)—

(A) in paragraph (1)(A), by striking “2008;” and inserting “2010;”;

(B) by repealing paragraph (2);

(C) by striking “(1);” and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2).

SEC. 719. SEAMEN'S SHORESIDE ACCESS.

Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

SEC. 720. WATERSIDE SECURITY AROUND LIQUEFIED NATURAL GAS TERMINALS AND LIQUEFIED NATURAL GAS TANKERS.

(a) ENFORCEMENT OF SECURITY ZONES.—Consistent with other provisions of law, any security zone established by the Coast Guard around a tanker containing liquified natural gas shall be enforced by the Coast Guard. If the Coast Guard must enforce multiple simultaneous security zones, the Coast Guard shall allocate resources so as to deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code).

(b) LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.—Any security arrangement approved as part of a facility security plan approved after the date of enactment of this Act under section 70103 of title 46, United States Code, for a liquefied natural gas terminal on or adjacent to the navigable waters of the United States, or to assist in the enforcement of any security zone established by the Coast Guard around a tanker containing liquified natural gas, may not be based upon the provision of security by a State or local government unless the State or local government has entered into a contract, cooperative agreement, or other arrangement with the terminal operator to provide such services and the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, ensures that the waterborne patrols operated as part of that security arrangement by a State or local government have the training, resources, personnel, equipment, and experience necessary to deter to the maximum extent practicable a

transportation security incident (as that term is defined in section 70101 of title 46, United States Code).

(c) DETERMINATION REQUIRED FOR NEW LNG TERMINALS.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may not approve a facility security plan under section 70103 of title 46, United States Code, for a new liquefied natural gas terminal the construction of which is begun after the date of enactment of this Act unless the Secretary determines that the Coast Guard has available to the sector in which the terminal is located the resources it needs to carry out the navigation and maritime security risk management measures identified in the waterway suitability report prepared pursuant to the Ports and Waterways Safety Act.

TITLE VIII—COAST GUARD INTEGRATED DEEPWATER PROGRAM

SEC. 801. SHORT TITLE.

This title may be cited as the “Integrated Deepwater Program Reform Act”.

SEC. 802. IMPLEMENTATION OF COAST GUARD INTEGRATED DEEPWATER ACQUISITION PROGRAM.

(a) USE OF PRIVATE SECTOR ENTITY AS A LEAD SYSTEMS INTEGRATOR.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Deepwater Program beginning on the earlier of October 1, 2011, or the date on which the Secretary certifies in writing to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Coast Guard has available and can retain sufficient contracting personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead system integrator in an efficient and cost-effective manner.

(2) COMPLETION OF EXISTING DELIVERY ORDERS AND TASK ORDERS.—The Secretary may use a private sector entity as a lead systems integrator to complete any delivery order or task order under the Deepwater Program that was issued to the lead systems integrator on or before the date of enactment of this Act.

(3) ASSISTANCE OF OTHER FEDERAL AGENCIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may obtain any type of assistance the Secretary considers appropriate, with any systems integration functions, from any Federal agency with experience in systems integration involving maritime vessels and aircraft.

(4) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may, subject to the availability of appropriations, obtain by grant, contract, or cooperative agreement any type of assistance the Secretary considers appropriate, with any systems integration functions, from any private sector entity with experience in systems integration involving maritime vessels and aircraft.

(b) COMPETITION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall use full and open competition for each class of asset acquisitions under the Deepwater Program for which an outside contractor is used, if the asset is procured directly by the Coast Guard or by the Integrated Coast

Guard System acting under a contract with the Coast Guard.

(2) EXCEPTION.—The Secretary may use a procurement method that is less than full and open competition to procure an asset under the Deepwater Program, if—

(A) the Secretary determines that such method is in the best interests of the Federal Government; and

(B) by not later than 30 days before the date of the award of a contract for the procurement, the Secretary submits to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report explaining why such procurement is in the best interests of the Federal Government.

(3) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to a contract, subcontract, or task order that was issued before the date of enactment of this Act, if there is no change in the quantity of assets or the specific type of assets procured.

(c) REQUIRED CONTRACT TERMS.—The Secretary shall include in each contract, subcontract, and task order issued under the Deepwater Program after the date of enactment of this Act the following provisions, as applicable:

(1) TECHNICAL REVIEWS.—A requirement that the Secretary shall conduct a technical review of all proposed designs, design changes, and engineering changes, and a requirement that the contractor must specifically address all engineering concerns identified in the technical reviews, before any funds may be obligated.

(2) RESPONSIBILITY FOR TECHNICAL REQUIREMENTS.—A requirement that the Secretary shall maintain the authority to establish, approve, and maintain technical requirements.

(3) COST ESTIMATE OF MAJOR CHANGES.—A requirement that an independent cost estimate must be prepared and approved by the Secretary before the execution of any change order costing more than 5 percent of the unit cost approved in the Deepwater Program baseline in effect as of May 2007.

(4) PERFORMANCE MEASUREMENT.—A requirement that any measurement of contractor and subcontractor performance must be based on the status of all work performed, including the extent to which the work performed met all cost, schedule, and mission performance requirements outlined in the Deepwater Program contract.

(5) EARLY OPERATIONAL ASSESSMENT.—For the acquisition of any cutter class for which an Early Operational Assessment has not been developed—

(A) a requirement that the Secretary of the Department in which the Coast Guard is operating shall cause an Early Operational Assessment to be conducted by the Department of the Navy after the development of the preliminary design of the cutter and before the conduct of the critical design review of the cutter; and

(B) a requirement that the Coast Guard shall develop a plan to address the findings presented in the Early Operational Assessment.

(6) TRANSIENT ELECTROMAGNETIC PULSE EMANATION.—For the acquisition or upgrade of air, surface, or shore assets for which compliance with transient electromagnetic pulse emanation (TEMPEST) is a requirement, a provision specifying that the standard for determining such compliance shall be the air, surface, or shore asset standard then used by the Department of the Navy.

(7) OFFSHORE PATROL CUTTER UNDERWAY REQUIREMENT.—For any contract issued to acquire an Offshore Patrol Cutter, provisions specifying the service life, fatigue life, days

underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter shall be built to achieve.

(8) INSPECTOR GENERAL ACCESS.—A requirement that the Department of Homeland Security's Office of the Inspector General shall have access to all records maintained by all contractors working on the Deepwater Program, and shall have the right to privately interview any contractor personnel.

(d) LIFE CYCLE COST ESTIMATE.—

(1) IN GENERAL.—The Secretary shall develop an authoritative life cycle cost estimate for the Deepwater Program.

(2) CONTENTS.—The life cycle cost estimate shall include asset acquisition and logistics support decisions and planned operational tempo and locations as of the date of enactment of this Act.

(3) SUBMITTAL.—The Secretary shall—

(A) submit the life cycle cost estimate to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 4 months after the date of enactment of this Act; and

(B) submit updates of the life cycle cost estimate to such Committees annually.

(e) CONTRACT OFFICERS.—The Secretary shall assign a separate contract officer for each class of cutter and aircraft acquired or rehabilitated under the Deepwater Program, including the National Security Cutter, the Offshore Patrol Cutter, the Fast Response Cutter A, the Fast Response Cutter B, maritime patrol aircraft, the aircraft HC-130J, the helicopter HH-65, the helicopter HH-60, and the vertical unmanned aerial vehicle.

(f) TECHNOLOGY RISK REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report identifying the technology risks and level of maturity for major technologies used on each class of asset acquisitions under the Deepwater Program, including the Fast Response Cutter A (FRC-A), the Fast Response Cutter B (FRC-B), the Offshore Patrol Cutter (OPC), and the Vertical Unmanned Aerial Vehicle (VUAV), not later than 90 days before the date of award of a contract for such an acquisition.

(g) SUBMISSION OF ASSESSMENT RESULTS AND PLANS TO CONGRESS.—The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) the results of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) and the plan approved by the Commandant pursuant to subsection (c)(5)(B) for addressing the findings of such assessment, within 30 days after the Commandant approves the plan; and

(2) a report describing how the recommendations of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) on the first in class of a new cutter class have been addressed in the design on which construction is to begin, within 30 days before initiation of construction.

SEC. 803. CHIEF ACQUISITION OFFICER.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following:

“§ 56. Chief Acquisition Officer

“(a) ESTABLISHMENT OF AGENCY CHIEF ACQUISITION OFFICER.—The Commandant shall appoint or designate a career reserved em-

ployee as Chief Acquisition Officer for the Coast Guard, who shall—

“(1) have acquisition management as that official's primary duty; and

“(2) report directly to the Commandant to advise and assist the Commandant to ensure that the mission of the Coast Guard is achieved through the management of the Coast Guard's acquisition activities.

“(b) AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer shall include—

“(1) monitoring the performance of acquisition activities and acquisition programs of the Coast Guard, evaluating the performance of those programs on the basis of applicable performance measurements, and advising the Commandant regarding the appropriate business strategy to achieve the mission of the Coast Guard;

“(2) increasing the use of full and open competition in the acquisition of property and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements (including performance and delivery schedules) at the lowest cost or best value considering the nature of the property or service procured;

“(3) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

“(4) making acquisition decisions consistent with all applicable laws and establishing clear lines of authority, accountability, and responsibility for acquisition decisionmaking within the Coast Guard;

“(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

“(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate professional workforce; and

“(7) as part of the strategic planning and performance evaluation process required under section 306 of title 5 and sections 1105(a)(28), 1115, 1116, and 9703 of title 31—

“(A) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

“(B) in order to rectify any deficiency in meeting such requirements, developing strategies and specific plans for hiring, training, and professional development; and

“(C) reporting to the Commandant on the progress made in improving acquisition management capability.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following: “§ 56. Chief Acquisition Officer.”

(c) SPECIAL RATE SUPPLEMENTS.—

(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.

SEC. 804. TESTING AND CERTIFICATION.

(a) IN GENERAL.—The Secretary shall—

(1) cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of this Act to be classed by the American Bureau of Shipping, before acceptance of delivery;

(2) cause the design and construction of each National Security Cutter, other than National Security Cutter 1 and 2, to be certified by an independent third party with expertise in vessel design and construction certification to be able to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years;

(3) cause all electronics on all aircraft, surface, and shore assets that require TEMPEST certification and that are delivered after the date of enactment of this Act to be tested and certified in accordance with TEMPEST standards and communications security (COMSEC) standards by an independent third party that is authorized by the Federal Government to perform such testing and certification; and

(4) cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of this Act to be certified for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification, before acceptance of delivery.

(b) FIRST IN CLASS OF A MAJOR ASSET ACQUISITION.—The Secretary shall cause the first in class of a major asset acquisition of a cutter or an aircraft to be subjected to an assessment of operational capability conducted by the Secretary of the Navy.

(c) FINAL ARBITER.—The Secretary shall be the final arbiter of all technical disputes regarding designs and acquisitions of vessels and aircraft for the Coast Guard.

SEC. 805. NATIONAL SECURITY CUTTERS.

(a) NATIONAL SECURITY CUTTERS 1 AND 2.—

(1) REPORT ON OPTIONS UNDER CONSIDERATION.—The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) within 120 days after the date of enactment of this Act, a report describing in detail the cost increases that have been experienced on National Security Cutters 1 and 2 since the date of the issuance of the task orders for construction of those cutters and explaining the causes of these cost increases; and

(B) within 180 days after the date of enactment of this Act, a report on the options that the Coast Guard is considering to strengthen the hulls of National Security Cutter 1 and National Security Cutter 2, including—

(i) the costs of each of the options under consideration;

(ii) a schedule for when the hull strengthening repairs are anticipated to be performed; and

(iii) the impact that the weight likely to be added to each the cutter by each option will have on the cutter's ability to meet both the original performance requirements included in the Deepwater Program contract and the performance requirements created by contract Amendment Modification 00042 dated February 7, 2007.

(2) DESIGN ASSESSMENT.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's report OIG-07-23 dated January 2007, the Secretary shall submit to

the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed hull strengthening design conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years.

(b) **NATIONAL SECURITY CUTTERS 3 THROUGH 8.**—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order authorizing construction of National Security Cutters 3 through 8, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed designs to resolve the structural design, safety, and performance issues identified by the Department of Homeland Security Office of Inspector General report OIG-07-23 for the hulls of those cutters conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which such designs will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions.

SEC. 806. MISCELLANEOUS REPORTS.

(a) **IN GENERAL.**—The Secretary shall submit the following reports to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate:

(1) Within 4 months after the date of enactment of this Act, a justification for why 8 National Security Cutters are required to meet the operational needs of the Coast Guard, including—

(A) how many days per year each National Security Cutter will be underway at sea;

(B) where each National Security Cutter will be home ported;

(C) the amount of funding that will be required to establish home port operations for each National Security Cutter;

(D) the extent to which 8 National Security Cutters deployed without vertical unmanned aerial vehicles (VUAV) will meet or exceed the mission capability (including surveillance capacity) of the 12 Hamilton-class high endurance cutters that the National Security Cutters will replace;

(E) the business case in support of constructing National Security Cutters 3 through 8, including a cost-benefit analysis; and

(F) an analysis of how many Offshore Patrol Cutters would be required to provide the patrol coverage provided by a National Security Cutter.

(2) Within 4 months after the date of enactment of this Act, a report on—

(A) the impact that deployment of a National Security Cutter and other cutter assets without the vertical unmanned aerial vehicle (VUAV) will have on the amount of patrol coverage that will be able to be provided during missions conducted by the National Security Cutter and all other cutters planned to be equipped with a VUAV;

(B) how the coverage gap will be made up;

(C) an update on the current status of the development of the VUAV; and

(D) the timeline detailing the major milestones to be achieved during development of

the VUAV and identifying the delivery date for the first and last VUAV.

(3) Within 30 days after the elevation to flag-level for resolution of any design or other dispute regarding the Deepwater Program contract or an item to be procured under that contract, including a detailed description of the issue and the rationale underlying the decision taken by the flag officer to resolve the issue.

(4) Within 4 months after the date of enactment of this Act, a report detailing the total number of change orders that have been created by the Coast Guard under the Deepwater Program before the date of enactment of this Act, the total cost of these change orders, and their impact on the Deepwater Program schedule.

(5) Within 180 days after the date of enactment of this Act, a report detailing the technology risks and level of maturity for major technologies used on maritime patrol aircraft, the HC-130J, and the National Security Cutter.

(6) Not less than 60 days before signing a contract to acquire any vessel or aircraft, a report comparing the cost of purchasing that vessel or aircraft directly from the manufacturer or shipyard with the cost of procuring it through the Integrated Coast Guard System.

(7) Within 30 days after the Program Executive Officer of the Deepwater Program becomes aware of a likely cost overrun exceeding 5 percent of the overall asset acquisition contract cost or schedule delay exceeding 5 percent of the estimated asset construction period under the Deepwater Program, a report by the Commandant containing a description of the cost overrun or delay, an explanation of the overrun or delay, a description of Coast Guard's response, and a description of significant delays in the procurement schedule likely to be caused by the overrun or delay.

(8) Within 90 days after the date of enactment of this Act, articulation of a doctrine and description of an anticipated implementation of a plan for management of acquisitions programs, financial management (including earned value management and cost estimating), engineering and logistics management, and contract management, that includes—

(A) a description of how the Coast Guard will cultivate among uniformed personnel expertise in acquisitions management and financial management;

(B) a description of the processes that will be followed to draft and ensure technical review of procurement packages, including statements of work, for any class of assets acquired by the Coast Guard;

(C) a description of how the Coast Guard will conduct an independent cost estimating process, including independently developing cost estimates for major change orders; and

(D) a description of how Coast Guard will strengthen the management of change orders.

(9) Within 4 months after the date of enactment of this Act, a report on the development of a new acquisitions office within the Coast Guard describing the specific staffing structure for that directorate, including—

(A) identification of all managerial positions proposed as part of the office, the functions that each managerial position will fill, and the number of employees each manager will supervise; and

(B) a formal organizational chart and identification of when managerial positions are to be filled.

(10) Ninety days prior to the issuance of a Request for Proposals for construction of an Offshore Patrol Cutter, a report detailing the service life, fatigue life, maximum range, maximum speed, and number of days under-

way under general Atlantic and North Pacific Sea conditions the cutter shall be built to achieve.

(11) The Secretary shall report annually on the percentage of the total amount of funds expended on procurements under the Deepwater Program that has been paid to each of small businesses and minority-owned businesses.

(12) Within 120 days after the date of enactment of this Act, a report on any Coast Guard mission performance gap due to the removal of Deepwater Program assets from service. The report shall include the following:

(A) A description of the mission performance gap detailing the geographic regions and Coast Guard capabilities affected.

(B) An analysis of factors affecting the mission performance gap that are unrelated to the Deepwater Program, including deployment of Coast Guard assets overseas and continuous vessel shortages.

(C) A description of measures being taken in the near term to fill the mission performance gap, including what those measures are and when they will be implemented.

(D) A description of measures being taken in the long term to fill the mission performance gap, including what those measures are and when they will be implemented.

(E) A description of the potential alternatives to fill the mission performance gap, including any acquisition or lease considered and the reasons they were not pursued.

(b) REPORT REQUIRED ON ACCEPTANCE OF DELIVERY OF INCOMPLETE ASSET.—

(1) **IN GENERAL.**—If the Secretary accepts delivery of an asset after the date of enactment of this Act for which a contractually required certification cannot be achieved within 30 days after the date of delivery or with any system that is not fully functional for the mission for which it was intended, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the United States Senate within 30 days after accepting delivery of the asset a report explaining why acceptance of the asset in such a condition is in the best interests of the United States Government.

(2) **CONTENTS.**—The report shall—

(A) specify the systems that are not able to achieve contractually required certifications within 30 days after the date of delivery and the systems that are not fully functional at the time of delivery for the missions for which they were intended;

(B) identify milestones for the completion of required certifications and to make all systems fully functional; and

(C) identify when the milestones will be completed, who will complete them, and the cost to complete them.

SEC. 807. USE OF THE NAVAL SEA SYSTEMS COMMAND, THE NAVAL AIR SYSTEMS COMMAND, AND THE SPACE AND NAVAL WARFARE SYSTEMS COMMAND TO ASSIST THE COAST GUARD IN EXERCISING TECHNICAL AUTHORITY FOR THE DEEPWATER PROGRAM AND OTHER COAST GUARD ACQUISITION PROGRAMS.

(a) **FINDINGS.**—Congress finds that the Coast Guard's use of the technical, contractual, and program management oversight expertise of the Department of the Navy in ship and aircraft production complements and augments the Coast Guard's organic expertise as it procures assets for the Deepwater Program.

(b) **INTER-SERVICE TECHNICAL ASSISTANCE.**—The Secretary may enter into a memorandum of understanding or a memorandum of agreement with the Secretary of

the Navy to provide for the use of the Navy Systems Commands to assist the Coast Guard with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum provide for—

(1) the exchange of technical assistance and support that the Coast Guard Chief Engineer and the Coast Guard Chief Information Officer, as Coast Guard Technical Authorities, may identify;

(2) the use, as appropriate, of Navy technical expertise; and

(3) the temporary assignment or exchange of personnel between the Coast Guard and the Navy Systems Commands to facilitate the development of organic capabilities in the Coast Guard.

(c) **TECHNICAL AUTHORITIES.**—The Coast Guard Chief Engineer, Chief Information Officer, and Chief Acquisition Officer shall adopt, to the extent practicable, procedures that are similar to those used by the Navy Senior Acquisition Official to ensure the Coast Guard Technical Authorities, or designated Technical Warrant Holders, approve all technical requirements.

(d) **COORDINATION.**—The Secretary, acting through the Commandant of the Coast Guard, may coordinate with the Secretary of the Navy, acting through the Chief of Naval Operations, to develop processes by which the assistance will be requested from the Navy Systems Commands and provided to the Coast Guard.

(e) **REPORT.**—Not later than 120 days after the date of enactment of this Act and every twelve months thereafter, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the activities undertaken pursuant to such memorandum of understanding or memorandum of agreement.

SEC. 808. DEFINITIONS.

In this title:

(1) **DEEPWATER PROGRAM.**—The term “Deepwater Program” means the Integrated Deepwater Systems Program described by the Coast Guard in its report to Congress entitled “Revised Deepwater Implementation Plan 2005”, dated March 25, 2005. The Deepwater Program primarily involves the procurement of cutter and aviation assets that operate more than 50 miles offshore.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

TITLE IX—MINORITY SERVING INSTITUTIONS

SEC. 901. MSI MANAGEMENT INTERNSHIP PROGRAM.

(a) **ESTABLISHMENT AND PURPOSE.**—The Commandant of the Coast Guard shall establish a two part management internship program for students at minority serving institutions (MSI) to intern at Coast Guard headquarters or a Coast Guard regional office, to be known as the “MSI Management Internship Program”, to develop a cadre of civilian, career mid-level and senior managers for the Coast Guard.

(b) **OPERATION.**—The MSI Management Internship Program shall be managed by the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, in coordination with National Association for Equal Opportunity in Higher Education, the Hispanic Association of Colleges and Universities, and the American Indian Higher Education Consortium.

(c) **CRITERIA FOR SELECTION.**—Participation in the MSI Management Internship Program shall be open to sophomores, juniors, and seniors at minority serving institutions,

with an emphasis on such students who are majoring in management or business administration, international affairs, political science, marine sciences, criminal justice, or any other major related to homeland security.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$2,000,000 to the Commandant to carry out this section.

SEC. 902. MSI INITIATIVES.

(a) **ESTABLISHMENT OF MSI STUDENT PRE-COMMISSIONING INITIATIVE.**—The Commandant of the Coast Guard shall establish an MSI component of the College Student Pre-Commissioning Initiative (to be known as the “MSI Student Pre-Commissioning Initiative Program”) to ensure greater participation by students from MSIs in the College Student Pre-Commissioning Initiative.

(b) **PARTICIPATION IN OFFICER CANDIDATE SCHOOL.**—The Commandant of the Coast Guard shall ensure that graduates of the MSI Student Pre-Commissioning Initiative Program are included in the first enrollment for Officer Candidate School that commences after the date of enactment of this title and each enrollment period thereafter.

(c) **REPORTS.**—Not later than 90 days after the conclusion of each academic year with respect to which the College Student Pre-Commissioning Initiative and the MSI Student Pre-Commissioning Initiative Program is carried out beginning with the first full academic year after the date of the enactment of this title, the Commandant shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce of the Senate a report on the number of students in the College Student Pre-Commissioning Initiative and the number of students in the MSI Student Pre-Commissioning Initiative Program, outreach efforts, and demographic information of enrollees including, age, gender, race, and disability.

(d) **ESTABLISHMENT OF MSI AVIATION OFFICER CORPS INITIATIVE.**—The Commandant of the Coast Guard shall establish an MSI Aviation Officer Corps Initiative to increase the diversity of the Coast Guard Aviation Officer Corps through an integrated recruiting, accession, training, and assignment process that offers guaranteed flight school opportunities to students from minority serving institutions.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$3,000,000 to the Commandant to carry out this section.

SEC. 903. COAST GUARD-MSI COOPERATIVE TECHNOLOGY PROGRAM.

(a) **ESTABLISHMENT.**—The Commandant of the Coast Guard shall establish a Coast Guard Laboratory of Excellence-MSI Cooperative Technology Program at three minority serving institutions to focus on priority security areas for the Coast Guard, such as global maritime surveillance, resilience, and recovery.

(b) **COLLABORATION.**—The Commandant shall encourage collaboration among the minority serving institutions selected under subsection (a) and institutions of higher education with institutional research and academic program resources and experience.

(c) **PARTNERSHIPS.**—The heads of the laboratories established at the minority serving institutions pursuant to subsection (a) may seek to establish partnerships with the private sector, especially small, disadvantaged businesses, to—

(1) develop increased research and development capacity;

(2) increase the number of baccalaureate and graduate degree holders in science, tech-

nology, engineering, mathematics (STEM), and information technology or other fields critical to the mission of the Coast Guard; and

(3) strengthen instructional ability among faculty.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$2,500,000 to the Commandant to carry out this section, including for instrumentation acquisition and funding undergraduate student scholarships, graduate fellowships, and faculty-post doctoral study.

SEC. 904. DEFINITION.

For purposes of this title, the terms “minority serving institution”, “minority serving institutions”, and “MSI” mean a historically Black college or university (as defined in section 322 of the Higher Education Act of 1965), a Hispanic-serving institution (as defined in section 502 of such Act), a Tribal College or University (as defined in section 316 of such Act), a Predominantly Black institution (as defined in section 499A(c) of such Act), or a Native American-serving nontribal institution (as defined in section 499A(c) of such Act).

TITLE X—APPEALS TO NATIONAL TRANSPORTATION SAFETY BOARD

SEC. 1001. RIGHTS OF APPEAL REGARDING LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) **DENIAL OF ISSUANCE OR RENEWAL.**—

(1) **LICENSES AND CERTIFICATES OF REGISTRY.**—Section 7101 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(j) **APPEALS TO THE NATIONAL TRANSPORTATION SAFETY BOARD.**—

“(1) **IN GENERAL.**—An individual whose application for the issuance or renewal of a license or certificate of registry has been denied under this chapter by the Secretary may appeal that decision to the National Transportation Safety Board, unless the individual holds a license or certificate that—

“(A) is suspended at the time of the denial; or

“(B) was revoked within the one-year period ending on the date of the denial.

“(2) **PROCEDURE.**—The Board shall conduct a hearing on the appeal. The Board is not bound by findings of fact of the Secretary but is bound by all validly adopted interpretations of laws and regulations the Secretary carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law. At the end of the hearing, the Board shall decide whether the individual meets the requirements for issuance or renewal of the license or certificate of registry under applicable regulations and standards. The Secretary is bound by the Board's decision.”

(2) **MERCHANT MARINERS' DOCUMENTS.**—Section 7302 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(h) **APPEALS TO THE NATIONAL TRANSPORTATION SAFETY BOARD.**—

“(1) **IN GENERAL.**—An individual whose application for the issuance or renewal of a merchant mariners' document has been denied under this chapter by the Secretary may appeal that decision to the National Transportation Safety Board, unless the individual holds a merchant mariners' document that—

“(A) is suspended at the time of the denial; or

“(B) was revoked within the one-year period ending on the date of denial.

“(2) **PROCEDURE.**—The Board shall conduct a hearing on the appeal. The Board is not bound by findings of fact of the Secretary but is bound by all validly adopted interpretations of laws and regulations the Secretary

carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law. At the end of the hearing, the Board shall decide whether the individual meets the requirements for issuance or renewal of the document under applicable regulations and standards. The Secretary is bound by the Board's decision."

(b) **SUSPENSION AND REVOCATION.**—Chapter 77 of title 46, United States Code, is amended—

- (1) in section 7702—
- (A) by striking subsection (b); and
- (B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;
- (2) by adding at the end the following new sections:

"§ 7707. Appeals to the National Transportation Safety Board

"(a) **IN GENERAL.**—An individual whose license, certificate of registry, or merchant mariners' document has been suspended or revoked under this chapter by the Secretary may appeal that decision within 30 days to the National Transportation Safety Board. The Board shall affirm or reverse the order after providing notice and an opportunity for a hearing on the record. In conducting the hearing under this section, the Board is not bound by findings of fact of the Secretary but is bound by all validly adopted interpretations of laws and regulations the Secretary carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section, unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law.

"(b) **EFFECTIVENESS OF ORDER PENDING APPEAL.**—

"(1) **IN GENERAL.**—Except as provided in paragraph (2), upon the filing by an individual of an appeal with the Board under this subsection, the order of the Secretary suspending or revoking the license, certificate of registry, or merchant mariners' document is stayed.

"(2) **EXCEPTION.**—If the Secretary notifies the Board that the Secretary has determined there exists an emergency affecting safety in maritime transportation requires the immediate effectiveness of the order—

"(A) the order shall remain in effect pending disposition of the appeal;

"(B) the Board shall make a final disposition of the appeal not later than 60 days after the Secretary so notifies the Board; and

"(C) if the Board does not act within such 60-day period, the order shall continue in effect unless modified by the Secretary.

"(c) **REVIEW OF EMERGENCY ORDER.**—A person affected by the immediate effectiveness of the Secretary's order under subsection (b)(2) may petition for a review by the Board under procedures promulgated by the Board of the Secretary's determination that an emergency exists. Such petition shall be filed with the Board not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in maritime transportation, the order shall be stayed, notwithstanding subsection (b). The Board shall dispose of a petition under this subsection not later than 5 days after the date on which the petition is filed.

"(d) **JUDICIAL REVIEW.**—An individual who is substantially affected by an order of the Board under this section, or the Secretary if the Secretary decides that an order of the Board will have a significant adverse effect on carrying out this part, may obtain judicial review of the order. The Secretary shall be made a party to the judicial review proceedings. In those proceedings, findings of

fact of the Board are conclusive if supported by substantial evidence.

"§ 7708. Limitations on the Coast Guard's conduct of administrative proceedings

"The Coast Guard shall not conduct any administrative proceeding under section 7101, 7302, 7503, chapter 77, or section 9303 of this title under any contractual relationship or interagency agreement with the National Transportation Safety Board after October 1, 2009."; and

(3) in the analysis at the beginning of the chapter by adding at the end the following new items:

"Sec. 7707. Appeals to the National Transportation Safety Board.

"Sec. 7708. Limitations on the Coast Guard's conduct of administrative proceedings."

(c) **EFFECTIVE DATE.**—This section shall take effect on October 1, 2008.

SEC. 1002. AUTHORITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) **REVIEW OF OTHER AGENCY ACTION.**—Section 1133 of title 49, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) the denial, amendment, modification, suspension, or revocation of a license, certificate, document, or register in a proceeding under section 7101, 7302, 7503, or 9303, or chapter 77, of title 46; and"

(b) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Section 1153 of title 49, United States Code, is amended—

(A) in the heading for subsection (b) by inserting "and maritime" after "aviation"; and

(B) by adding at the end the following new subsection:

"(d) **SECRETARY SEEKING JUDICIAL REVIEW OF MARITIME MATTERS.**—If the Secretary of the department in which the Coast Guard is operating decides that an order of the Board under chapter 77 of title 46 will have a significant impact on carrying out this chapter with respect to a maritime matter, the Secretary may obtain judicial review of the order. Findings of fact of the Board are conclusive in those proceedings if supported by substantial evidence."

(c) **EFFECTIVE DATE.**—This section shall take effect on October 1, 2008.

SEC. 1003. TRANSFER OF PENDING APPEALS TO THE NATIONAL TRANSPORTATION SAFETY BOARD.

(a) **ADMINISTRATION OF PENDING DOCKET.**—

(1) **TRANSFER OF PENDING CASES.**—On October 1, 2008, any pending cases remaining undecided by the Coast Guard Office of Administrative Law Judges shall be transferred to the National Transportation Safety Board for adjudication. Such cases shall be sequenced into the docket of the National Transportation Safety Board Office of Administrative Law Judges in the same order as the dates of filing with the Coast Guard.

(2) **DETAIL OF ADMINISTRATIVE LAW JUDGES.**—The Secretary of the department in which the Coast Guard is operating shall, if requested by the Chairman of the National Transportation Safety Board, make available to the Board via temporary detail not to exceed 180 days, and thereafter at the discretion of the Secretary, Administrative Law Judges currently employed by the Coast Guard sufficient to address the docket of maritime enforcement cases transferred by this subsection to the National Transportation Safety Board and those subsequently filed with the National Transportation Safety Board.

(3) **ADMINISTRATIVE ASSISTANCE.**—The Secretary of the department in which the Coast Guard is operating shall, if requested by the Chairman of the National Transportation Safety Board, make available assistance

from the administrative offices of the Coast Guard Office of the Administrative Law Judges sufficient administrative personnel and other resources adequate to effect an orderly transfer of pending cases to the National Transportation Safety Board.

(b) **TRANSFER OF FUNDS.**—For each of fiscal years 2009 and 2010, 80 percent of all funding appropriated for the Coast Guard's Office of Administrative Law Judges shall be transferred as an interagency transfer to the National Transportation Safety Board and used for the Safety Board Office of Administrative Law Judges.

(c) **MARITIME ENFORCEMENT APPEALS ACTIVITY.**—

(1) **IN GENERAL.**—The National Transportation Safety Board may establish within the National Transportation Safety Board Office of Administrative Law Judges a maritime enforcement appeals activity, to operate in concert or parallel with the aviation enforcement appeals activity currently existing, sufficient to handle maritime enforcement appeals under title 46, United States Code, as amended by this title.

(2) **FILLING OF ADMINISTRATIVE LAW JUDGE POSITIONS.**—Any Administrative Law Judge position established by the National Transportation Safety Board to address the cases and responsibilities transferred under this section shall be filled through the established Administrative Law Judge hiring process.

(3) **LIMITATION ON EFFECT.**—This section shall not be construed—

(A) to transfer from the Coast Guard any personnel, offices, or equipment funded under this provision; or

(B) to authorize requiring any person to transfer from the Coast Guard to the National Transportation Safety Board.

(4) **EXEMPTION FROM REGULATIONS RELATING TO REDUCTIONS IN FORCE.**—Any redesignation of agency responsibilities under this title is exempt from subpart C of part 351 of title 5, Code of Federal Regulations, and does not constitute a transfer of function (as that term is defined in section 351.203 of that title) for purposes of that subpart.

SEC. 1004. RULEMAKING REQUIREMENTS.

(a) **INTERIM FINAL RULE.**—The National Transportation Safety Board shall issue an interim final rule as a temporary regulation implementing this title (including the amendments made by this title) as soon as practicable after the date of enactment of this Act, without regard to chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(b) **INITIATION OF RULEMAKING.**—The Board may initiate a rulemaking to implement this title (including the amendments made by this title) as soon as practicable after the date of enactment of this Act. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued under this section.

SEC. 1005. ADMINISTRATIVE LAW JUDGE RECRUITING PROGRAM.

(a) **IN GENERAL.**—Within 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish a program to recruit qualified individuals from appropriate sources in an effort to achieve a workforce drawn from all segments of society in the Coast Guard's Administrative Law Judge program. This program shall include—

(1) improved outreach efforts to include organizations outside the Federal Government in order to increase the number of minority candidates in the selection pool for Administrative Law Judges from which the Coast Guard selects their judges; and

(2) recruitment of minority candidates for Coast Guard Administrative Law Judges from other Federal agencies.

(b) **REPORT.**—The Secretary shall provide a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by October 1 of each year detailing the activities of the Coast Guard to comply with the requirements of this section.

TITLE XI—MARINE SAFETY

SEC. 1101. MARINE SAFETY.

(a) **ESTABLISH MARINE SAFETY AS A COAST GUARD FUNCTION.**—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following new section:

“§ 100. Marine safety

“To protect life, property, and the environment on, under, and over waters subject to the jurisdiction of the United States and on vessels subject to the jurisdiction of the United States, the Commandant shall promote maritime safety as follows:

“(1) By taking actions necessary and in the public interest to protect such life, property, and the environment.

“(2) Based on the following priorities:

“(A) Preventing marine casualties and threats to the environment.

“(B) Minimizing the impacts of marine casualties and environmental threats.

“(C) Maximizing lives and property saved and environment protected in the event of a marine casualty.”.

(b) **CLERICAL AMENDMENT.**—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

“100. Marine safety.”.

SEC. 1102. MARINE SAFETY STAFF.

(a) **IN GENERAL.**—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following new section:

“§ 57. Marine safety staff

“(a) **ASSISTANT COMMANDANT FOR MARINE SAFETY.**—(1) There shall be in the Coast Guard an Assistant Commandant for Marine Safety who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) selected by the Secretary.

“(2) The Assistant Commandant for Marine Safety shall serve as the principal advisor to the Commandant regarding marine safety, and carry out the duties and powers delegated and imposed by the Secretary under section 631(b).

“(b) **CHIEF OF MARINE SAFETY.**—(1) There shall be in each Coast Guard sector a Chief of Marine Safety who—

“(A) shall be at least a Commander or civilian at level GS-14; and

“(B) shall be colocated with the Coast Guard officer in command of that sector.

“(2) The chief of marine safety for a sector—

“(A) is responsible for all individuals who, on behalf of the Coast Guard, inspect or examine vessels, conduct marine casualty investigations, or perform other marine safety responsibilities defined in section 631(b) in the sector; and

“(B) if not the Coast Guard officer in command of that sector, is the principle advisor to that officers regarding marine safety matters in that sector.

“(c) **QUALIFICATIONS.**—(1) The Assistant Commandant for Marine Safety and the Chiefs of Marine Safety of sectors, and all marine safety inspectors, investigators, examiners, and other professional staff assigned to the marine safety program of the Coast Guard, shall be appointed on the basis of their—

“(A) knowledge, skill, and practical experience in—

“(i) the construction and operation of commercial vessels; and

“(ii) judging the character, strength, stability, and safety qualities of such vessels and their equipment; and

“(B) knowledge about the qualifications and training of vessel personnel.

“(2) Marine inspectors shall have the training, experience, and qualifications equivalent to that required for a surveyor of a similar position of a classification society recognized by the Secretary under section 3316 of title 46 for the type of vessel, system, or equipment that is inspected.

“(3) Marine casualty investigators shall have the training, experience, and qualifications in investigation, accident reconstruction, human factors, and documentation equivalent to that required for a marine casualty investigator of the National Transportation Safety Board.

“(4) The Chief of Marine Safety of a sector shall be a qualified marine casualty investigator and marine inspector qualified to inspect vessels, vessel systems, and equipment commonly found in the sector.

“(5) Each individual signing a letter of qualification for marine safety personnel must hold a letter of qualification for the type they are signing.

“(6) The Assistant Commandant for Marine Safety shall be a qualified marine casualty investigator and a marine inspector qualified for types of vessels, vessel systems, and equipment.

“§ 58. Limited duty officers

“(a) **ESTABLISHMENT.**—The Commandant shall establish in the Coast Guard a limited duty officer program for marine safety.

“(b) **OFFICER ELIGIBILITY.**—(1) Only commissioned officers in the Coast Guard with grade not above commander and chief warrant officers who have more than four years of marine safety experience may serve as limited duty officers under such program.

“(2) The Commandant may establish other limitations on eligibility that the Commandant believes are necessary for the good of the marine safety program.

“(3) Notwithstanding section 41a and chapter 11 of this title, the Commandant shall, by regulation, establish procedures pertaining to—

“(A) the promotion of commissioned officers and chief warrant officers who serve as limited duty officers, including the maintenance of a separate promotion list for commissioned officers who serve as limited duty officers;

“(B) the discharge, retirement, and revocation of commissions of such officers; and

“(C) the separation for cause of such officers.

“(4) The Commandant shall ensure that the procedures promulgated under paragraph (3)(A) encourage a specialization in marine safety and do not, in any way, inhibit or prejudice the orderly promotion or advancement of commissioned officers and chief warrant officers who serve as limited duty officers.

“(5) The Commandant shall, by regulation, prescribe a step increase in the pay system for limited duty officers in the marine safety program.

“(c) **RECRUITMENT.**—(1) The Commandant shall, by regulation, establish procedures pertaining to the recruitment of graduates from the United States Merchant Marine Academy and the State maritime colleges and individuals holding licenses issued under chapter 71 of title 46 to serve as limited duty officers.

“(2) Not later than the date of the submission of the President's budget request under section 1105 of title 31 for each fiscal year, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the

Committee on Commerce, Science, and Transportation of the Senate a report on the Coast Guard's efforts to recruit graduates from the United States Merchant Marine Academy and the State maritime colleges and individuals holding licenses issued under chapter 71 of title 46 to serve as limited duty officers. The report shall include information on the number of graduates recruited, the lengths of service, the retention rates, and other activities undertaken by the Coast Guard to sustain or increase the numbers of recruits and officers.

“§ 59. Center for Expertise for Marine Safety

“(a) **ESTABLISHMENT.**—The Commandant of the Coast Guard may establish and operate a one or more Centers for Expertise for Marine Safety (in this section referred to as a ‘Center’).

“(b) **MISSIONS.**—The Centers shall—

“(1) be used to provide and facilitate education, training, and research in marine safety including vessel inspection and casualty investigation;

“(2) develop a repository of information on marine safety; and

“(3) perform any other missions as the Commandant may specify.

“(c) **JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.**—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

“(1) provide for joint operation of a Center; and

“(2) provide necessary administrative services for a Center, including administration and allocation of funds.

“(d) **ACCEPTANCE OF DONATIONS.**—(1) Except as provided in paragraph (2), the Commandant may accept, on behalf of a Center, donations to be used to defray the costs of the Center or to enhance the operation of the Center. Those donations may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any individual.

“(2) The Commandant may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

“(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

“(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or of any person involved in such a program.

“(3) The Commandant shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a donation from a foreign source would have a result described in paragraph (2).

“§ 60. Marine industry training program.

“(a) **IN GENERAL.**—The Commandant shall, by policy, establish a program under which an officer, member, or employee of the Coast Guard may be assigned to a private entity to further the institutional interests of the Coast Guard with regard to marine safety, including for the purpose of providing training to an officer, member, or employee. Policies to carry out the program—

“(1) with regard to an employee of the Coast Guard, shall include provisions, consistent with sections 3702 through 3704 of title 5, as to matters concerning—

“(A) the duration and termination of assignments;

“(B) reimbursements; and

“(C) status, entitlements, benefits, and obligations of program participants; and

“(2) shall require the Commandant, before approving the assignment of an officer, member, or employee of the Coast Guard to a private entity, to determine that the assignment is an effective use of the Coast Guard’s funds, taking into account the best interests of the Coast Guard and the costs and benefits of alternative methods of achieving the same results and objectives.

“(b) ANNUAL REPORT.—Not later than the date of the submission each year of the President’s budget request under section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

“(1) the number of officers, members, and employees of the Coast Guard assigned to private entities under this section;

“(2) the specific benefit that accrues to the Coast Guard for each assignment.”.

(b) CERTIFICATES OF INSPECTION.—Section 3309 of title 46, United States Code, is amended by adding at the end the following:

“(d) A certificate of inspection issued under this section shall be signed by the individuals that inspected the vessel.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

“57. Marine safety staff.

“58. Limited duty officers.

“59. Center for Expertise for Marine Safety.

“60. Marine industry training program.”.

SEC. 1103. MARINE SAFETY MISSION PRIORITIES AND LONG TERM GOALS.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is further amended by adding after section 2116, as added by section 313 of this Act, the following new section:

“§2117. Marine Safety Strategy, goals, and performance assessments

“(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance each year of an annual plan and schedule for achieving the following goals:

“(1) Reducing the number and rates of marine casualties.

“(2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.

“(3) Identifying and targeting enforcement efforts at high-risk vessels and operators.

“(4) Improving research efforts to enhance and promote vessel and operator safety and performance.

“(b) CONTENTS OF STRATEGY AND ANNUAL PLANS.—

“(1) MEASURABLE GOALS.—The strategy and annual plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

“(A) To increase the number of safety examinations on all high-risk vessels.

“(B) To eliminate the backlog of marine safety-related rulemakings.

“(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

“(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the powers and duties delegated and imposed by the Secretary under section 631(b).

“(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of—

“(A) the funds and staff resources needed to accomplish each activity included in the strategy and plans; and

“(B) the staff skills and training needed for timely and effective accomplishment of each goal.

“(c) SUBMISSION WITH THE PRESIDENT’S BUDGET.—Beginning with fiscal year 2010 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President’s budget submission under section 1105 of title 31.

“(d) ACHIEVEMENT OF GOALS.—

“(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Coast Guard Commandant and the Assistant Commandant for Marine Safety shall jointly assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant and the Assistant Commandant shall jointly convey their assessment to the employees of the Assistant Commandant and shall identify any deficiencies that should be remedied before the next progress assessment.

“(2) REPORT TO CONGRESS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and annual plan under subsection (a) for the year covered by the report;

“(B) on the program’s mission performance in achieving numerical measurable goals established under subsection (b); and

“(C) recommendations on how to improve performance of the program.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following new item:

“2117. Marine Safety Strategy, goals, and performance assessments.”.

SEC. 1104. POWERS AND DUTIES.

Section 631 of title 14, United States Code, is amended—

(1) by inserting “(a)” before the first sentence; and

(2) by adding at the end the following new subsection:

“(b) The Assistant Commandant for Marine Safety shall serve as the principle advisor to the Commandant regarding—

“(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

“(2) approval of materials, equipment, appliances, and associated equipment;

“(3) the reporting and investigation of marine casualties and accidents;

“(4) the licensing, certification, documentation, protection and relief of merchant seamen;

“(5) suspension and revocation of licenses and certificates;

“(6) enforcement of manning requirements, citizenship requirements, control of log books;

“(7) documentation and numbering of vessels;

“(8) State boating safety programs;

“(9) commercial instruments and maritime liens;

“(10) the administration of bridge safety;

“(11) administration of the navigation rules;

“(12) the prevention of pollution from vessels;

“(13) ports and waterways safety;

“(14) waterways management; including regulation for regattas and marine parades;

“(15) aids to navigation; and

“(16) other duties and powers of the Secretary related to marine safety and stewardship.

“(c) OTHER AUTHORITY NOT AFFECTED.—Nothing in subsection (b) affects—

“(1) the authority of Coast Guard officers and members to enforce marine safety regulations using authority under section 89 of this title; or

“(2) the exercise of authority under section 91 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.”.

SEC. 1105. APPEALS AND WAIVERS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is further amended by inserting at the end the following new section:

“§ 102. Appeals and waivers

“Except for the Commandant of the Coast Guard, any individual adjudicating an appeal of a decision or granting a waiver regarding marine safety, including inspection or manning and threats to the environment, shall be a qualified specialist with the training, experience and qualifications in marine safety to judge the facts and circumstances involved in the appeal or waiver and make a judgment regarding the merits of the appeal or waiver. In the case of an appeal or waiver involving an inspected vessel, vessel systems or equipment, the individual shall hold a letter of qualification to inspect the type of vessel, vessel systems or equipment involved in the appeal or waiver.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

“102. Appeals and waivers.”.

SEC. 1106. COAST GUARD ACADEMY.

(a) IN GENERAL.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

“§ 199. Marine safety curriculum

“The Commandant of the Coast Guard shall ensure that professional courses of study in marine safety are provided at the Coast Guard Academy, and during other officer accession programs, to give Coast Guard cadets and other officer candidates a background and understanding of the marine safety program. These courses may include such topics as program history, vessel design and construction, vessel inspection, casualty investigation, and administrative law and regulations.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

“199. Marine safety curriculum.”.

SEC. 1107. GEOGRAPHIC STABILITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is further amended by inserting after section 336 the following new section:

“§ 337. Geographic stability

“The Commandant shall establish procedures that provide geographic stability to interested Coast Guard officers, employees, and members assigned to the marine safety program carried out under section 100 who have a minimum of 10 years of service in the marine safety program.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

“337. Geographic stability.”.

SEC. 1108. APPRENTICE PROGRAM.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is further amended by inserting after section 337, as added by section 1107 of this Act, the following new section:

“§ 338. Apprentice program

“Any officer, member, or employee of the Coast Guard in training to become a marine

inspector shall serve a minimum of one-year apprenticeship, unless otherwise directed by the Commandant of the Coast Guard, under the guidance of a qualified inspector before conducting unsupervised inspections of vessels under part B of subtitle II of title 46. The Commandant may authorize shorter apprentice periods for certain qualifications, as appropriate.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

“338. Apprentice program.”.

SEC. 1109. REPORT REGARDING CIVILIAN MARINE INSPECTORS.

Not later than one year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on Coast Guard's efforts to recruit and retain civilian marine inspectors and investigators and the impact of such recruitment and retention efforts on Coast Guard organizational performance.

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in part B of the report. Each 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 read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-604.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the manager's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. OBERSTAR:

At the end of title II add the following:

SEC. ____ . POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE COAST GUARD ACADEMY.

(a) REQUIRED POLICY.—Under guidance prescribed by the Secretary of the department in which the Coast Guard is operating, the Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) ANNUAL ASSESSMENT.—

(1) The Secretary, through the Commandant of the Coast Guard, shall direct the Superintendent of the Coast Guard Academy to conduct an assessment during each Academy program year to determine the effectiveness of the Academy's policies, training, and procedures on sexual harassment and sexual violence involving cadets and other Academy personnel.

(2) For the assessment for each of the 2009, 2010, 2011, 2012, and 2013 Academy program years, the Superintendent shall conduct a survey of all Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, in that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel on—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and violence involving Academy personnel in such program year; and

(iv) any other issues relating to sexual harassment and violence involving Academy personnel.

(d) ANNUAL REPORT.—

(1) The Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to submit to the Commandant a report on sexual harassment and sexual violence involving Academy personnel for each of the 2009, 2010, 2011, 2012, and 2013 Academy program years.

(2) The annual report under paragraph (1) shall contain, for the Academy program year covered by the report, the following matters:

(A) The number of sexual assaults, rapes, and other sexual offenses involving Academy personnel that have been reported to Academy officials during the program year, and the number of the reported cases that have been substantiated.

(B) The policies, procedures, and processes implemented by the Commandant of the Coast Guard and the leadership of the Coast Guard Academy in response to sexual harassment and sexual violence involving Academy personnel during the program year.

(C) In the report for the 2009 Academy program year, a discussion of the survey conducted under subsection (b), together with an analysis of the results of the survey and a discussion of any initiatives undertaken on the basis of such results and analysis.

(D) In the report for each of the subsequent Academy program years, the results of the annual survey conducted in such program year under subsection (b).

(E) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving Academy personnel.

(3) The Commandant of the Coast Guard shall transmit the annual report on the Coast Guard Academy required under this subsection, together with the Commandant's comments on the report, to the Secretary and the Board of Visitors of the Academy.

(4) The Secretary shall transmit the annual report, together with the Secretary's comments on the report, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(5) The report for the 2009 Academy program year for the Academy shall be submitted to the Commandant of the Coast Guard not later than one year after the date of the enactment of this Act.

(6) In this subsection, the term “Academy program year” with respect to a year, means the Academy program year that ends in that year.

At the end of title II add the following:

SEC. ____ . HOME PORT OF COAST GUARD VESSELS IN GUAM.

Section 96 of title 14, United States Code, is amended—

(1) by striking “a State of the United States” and inserting “the United States or Guam”; and

(2) by inserting “or Guam” after “outside the United States”.

At the end of title III add the following:

SEC. ____ . DELEGATION OF AUTHORITY TO CLASSIFICATION SOCIETIES REGARDING OFFSHORE FACILITIES.

Section 3316 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a United States offshore facility, the authority to—

“(A) review and approve plans required for issuing a certificate of inspection or certificate of compliance; and

“(B) conduct inspections and examinations.

“(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only if the foreign classification society has offices and maintains records in the United States and—

“(A) if the government of the foreign country in which the society is headquartered delegates that authority to the American Bureau of Shipping; or

“(B) to the extent the government of the foreign country accepts plan review, inspections, or examinations conducted by the American Bureau of Shipping and provides equivalent access to inspect, certify, and provide related services to offshore facilities located in that country or operating under the authority of that country.

“(3) When an inspection or examination has been delegated under this subsection, the Secretary's delegate—

“(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the United States offshore facility ceases to be certified; and

“(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

“(i) as a marine inspector and serving in a position as a marine inspector; or

“(ii) in writing by the Secretary to have access to those files.

“(4) For purposes of this section—

“(A) the term ‘offshore facility’ means any installation, structure, or other device (including any vessel not documented under chapter 121 of this title or the laws of another country) that is fixed or floating, dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the sea, and is used for the purpose of exploring for, developing, producing, or storing the resources from that seabed or subsoil; and

“(B) the term ‘United States offshore facility’ means any offshore facility, fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)).”

At the end of title III add the following:

SEC. ____ . REQUIREMENT FOR PILOTS TO CARRY AND UTILIZE PORTABLE ELECTRONIC NAVIGATIONAL DEVICE.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by inserting after section 4A the following:

“SEC. 4B. PORTABLE ELECTRONIC DEVICE FOR NAVIGATION PURPOSES.

“(a) IN GENERAL.—The Commandant of the Coast Guard may issue regulations that—

“(1) require that any pilot licensed under subtitle II of title 46, United States Code, while serving under the authority of that license as pilot on a covered vessel operating in waters designated in the regulation shall carry and utilize a portable electronic device that is—

“(A) equipped for navigational purposes; and

“(B) capable of being connected to an Automatic Identification System; and

“(2) require such pilots to obtain training in the use of such electronic devices, and prescribe requirements for such training after consultation with State or local pilotage authorities on specific equipment and practices in the waters designated in the regulation.

“(b) DETERMINATION OF NEED.—The Commandant shall consult with State or local pilotage authorities for the waters covered by the regulations to determine if the carriage and use of such portable electronic devices would improve safe navigation under local conditions and whether there is a need for mandatory carriage requirements.

“(c) COVERED VESSEL DEFINED.—In this section the term ‘covered vessel’ means a self-propelled commercial vessel of 300 gross tons or more that does not have an electronic chart prescribed under section 4A.”

At the end of title IV add the following:

SEC. ____ . NEWTOWN CREEK, NEW YORK CITY, NEW YORK.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the public health, safety, and environmental concerns related to the underground petroleum spill on the Brooklyn shoreline of Newtown Creek, New York City, New York, in Greenpoint, Brooklyn, New York.

(b) FULL-SITE CHARACTERIZATION AND COLLECTION OF NEW FIELD EVIDENCE.—In carrying out the study under this section, the Administrator shall conduct a full-site characterization of the underground petroleum spill, including the investigation, collection, and analysis of new and updated data and field evidence on the extent of the petroleum spill, including any portion of the spill that has been diluted into surrounding waters, and any surrounding soil contamination or soil vapor contamination.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Ad-

ministrator shall submit a report containing the results of the study to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000.

Page 158, beginning at line 16, strike “such information to the Secretary” and insert “to the Secretary all the entries entered in the ballast water record book during the preceding month, and transmit such additional information”.

Page 172, after line 17, insert the following: “The vessels to which this paragraph applies shall conduct ballast water treatment in accordance with subsection (f) when it applies.

The CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

The manager’s amendment authorizes the Coast Guard to delegate to classification societies the Coast Guard’s authority for safety plan review and construction inspections of offshore oil structures. It allows this authority to be delegated to foreign classification societies to the extent that the government of the country in which the classification society is headquartered accepts documents prepared by our classification society, the American Bureau of Shipping, on behalf of the leaseholder, and does not limit the ABS to this process.

I also want to thank several colleagues for agreeing to have their amendments incorporated into the manager’s amendment to expedite consideration of the bill: The gentlewoman from California (Mrs. TAUSCHER); the gentlewoman from California (Ms. LORETTA SANCHEZ); the gentleman from Wisconsin (Mr. KIND); the gentlewoman from Guam (Ms. BORDALLO); and the gentleman from New York (Mr. WEINER).

The Tauscher amendment requires federally licensed pilots to use portable electronic devices with navigational charts capable of being connected to an Automatic Identification System.

The Sanchez amendment requires the Superintendent of the Coast Guard to prescribe a policy on sexual harassment and sexual violence.

The Kind amendment deals with monthly ballast water treatment reports to the Secretary, requiring them. In addition, the amendment provides that no-ballast-on-board vessels will be required to conduct ballast water treatment, when applicable.

The Bordallo amendment requires Coast Guard vessels homeported in Guam to be repaired at shipyards in the U.S., including Guam shipyards. The same requirement applies to all other Coast Guard cutters homeported elsewhere in the United States.

The Weiner amendment requires the Environmental Protection Agency to

conduct a study on health, safety and environmental concerns related to an underground petroleum spill on the Brooklyn, New York, shoreline.

All those amendments are incorporated into the manager’s amendment.

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

Mr. LATOURETTE. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment, although I don’t oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. LATOURETTE. Mr. Chairman, I have asked for the time in opposition to the amendment for the purpose of engaging the distinguished chairman of the Transportation and Infrastructure Committee in a colloquy relative to the issue of recreational boating.

Mr. Chairman, as you know, during the consideration of this measure before the Rules Committee, I offered several amendments related to discharges from recreational vessels. Those amendments were not made in order under the rule.

I am still concerned about the impact the proposed regulations may have on more than 16 million recreational boaters in the United States. At the Rules Committee, you were more than gracious in suggesting that we would work together to develop legislation, hold hearings in the committee and move legislation quickly to the House on this subject.

I would ask the chairman, and in saying this I also want to give a tip of the hat to CANDICE MILLER of Michigan, who has been a real champion on this issue as well, but I would ask the chairman if you would be willing to work with us to bring legislation to the House floor and to get it prompt consideration, as this deadline is now approaching in September?

I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

Most certainly. I urged the gentleman at Rules in discussions to introduce a bill dealing with this authority under the Clean Water Act so that we would have a very strong authoritative base for the legislation, and that we will move quickly in committee to move it through subcommittee, full committee and to the House floor as promptly as the House legislative schedule will permit.

Mr. LATOURETTE. Reclaiming my time, I thank the chairman very much. I want to thank the chairman for not only his work on the bill, the manager’s amendment, but also this issue. I look forward to working with him to solve this problem which is looming out there for these 16 million boaters that never thought they would need a discharge petition when they went walleye fishing on Lake Erie.

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

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the manager's amendment and the underlying bill. I want to thank Chairman OBERSTAR for including the Sanchez amendment in his manager's amendment.

My amendment will require the United States Coast Guard Academy to establish comprehensive policies, training programs, surveys and reports on sexual harassment and sexual violence involving cadets or Academy personnel.

□ 1145

Several years ago, I added a similar amendment to the Department of Defense authorization bill to require the military academies under the Armed Services Committee jurisdiction to establish the same types of policies, and I am pleased that this amendment will ensure that all of our military service academies are treated the same; that they all have plans to prevent sexual assault, and that we know the incidents and allegations of sexual assault and that we know how to handle them.

This amendment also requires the academies to conduct surveys to get feedback on sexual harassment and sexual violence in the workplace, and this amendment will help to reduce the incidents of sexual assault and it will make our academies safer environments.

I urge my colleagues to support the manager's amendment.

Mr. OBERSTAR. May I inquire whether the gentleman has further speakers.

Mr. LATOURETTE. I would advise the distinguished chairman, I have no other speakers and am prepared to yield back whenever you are finished.

Mr. OBERSTAR. I yield the balance of our time to the gentleman from Maryland, the Chair of the subcommittee.

Mr. CUMMINGS. I want to thank the chairman for yielding.

Mr. Chairman, I support the amendment that you have offered, and I thank you again for your leadership on the Coast Guard authorization and all of the transportation issues that our Nation faces.

The manager's amendment includes provisions offered by several of our colleagues that would make a number of important improvements to H.R. 2830. Among other provisions, the manager's amendment would implement recommendations recently made by the Government Accountability Office to require the Commandant of the Coast Guard to prescribe a policy to combat sexual assault and sexual harassment at the Coast Guard Academy. And I do commend my colleague, Ms. SANCHEZ,

for her hard work on this issue. As a member of the Naval Academy Board of Visitors, this is an issue that I have worked on very hard, not only there, but with regard to our Coast Guard Academy.

The amendment would also allow the Coast Guard to delegate some regulatory functions, including facility inspections regarding offshore facilities, to classifications societies.

Further, the amendment would authorize the Coast Guard to issue regulations to require a pilot to carry on board the vessel he or she is operating a computer equipped with electronic charts of the navigation areas the vessel will transit.

I would strongly support this amendment, and I thank the sponsors and thank the chairman for sponsoring it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. LATOURETTE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-604.

Mr. LATOURETTE. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. LATOURETTE:

In section 720 (page 257, line 10), after "resources" insert ", including State and local government resources available in accordance with subsection (b),".

The CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Ohio (Mr. LATOURETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I indicated during the opening remarks general debate on this bill that this is an amendment which I cosponsored with Representative BOUSTANY, and it would authorize the Coast Guard to consider qualified State and local security assets, personnel and resources, made available to a liquefied natural gas terminal when determining whether security resources are available to carry out necessary security measures.

This language carries out an agreement that was developed in a colloquy with Chairman CUMMINGS during our subcommittee's and the full committee's consideration of the bill.

Mr. Chairman, all of us want to ensure the highest levels of security at LNG terminals and other at-risk assets. This amendment would do that by leveraging the collective resources of Federal, State, local, and private sec-

tor officials. I urge all members to support this amendment.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I rise to claim time in opposition to the amendment, though I don't intend to oppose it.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I indeed support the amendment offered by the gentleman from Ohio, who is our ranking member on the Coast Guard subcommittee, which he offers in conjunction with the distinguished gentleman from Louisiana (Mr. BOUSTANY), also a very good friend and colleague and committee member.

The amendment addresses section 720 of the substitute regarding waterside security around LNG tankers and terminals. It provides that the Coast Guard may consider security assets and personnel provided by State and local officials who are contracted for or otherwise made available to an LNG terminal operator in determining whether security resources are available to carry out our waterside security measures.

The Coast Guard has, as we have so often discussed, limited resources to undertake its many missions. Partnering with State and local officials or contracted waterside security services will be in effect force multipliers for the Coast Guard. So we support that initiative.

I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, at this time it is my pleasure to yield 1 minute to the distinguished gentleman from New Jersey, a valuable member of the full committee, subcommittee, and the former Chair of the Coast Guard Subcommittee, Mr. LOBIONDO.

Mr. LOBIONDO. I want to thank Mr. LATOURETTE.

Mr. OBERSTAR, let me thank you and Mr. CUMMINGS for your very thoughtful approach to these critically important issues, and to Mr. MICA and Mr. LATOURETTE for your diligence in these areas.

Mr. Chairman, I appreciate your consideration of this important issue, and Mr. LATOURETTE's thoughtful approach to making sure that we do not have a chilling effect on the future development of LNG in our country. It would effectively block the construction of a widely supported plant that is just north of my district that could definitely help provide much needed relief for home heating costs.

The bill I believe would also have the potential to undermine our security by not the allowing the Coast Guard to determine the personnel and assets necessary to escort LNG shipments. This should be a decision by the Coast Guard. I believe they are best able to do this, and the LaTourette amendment represents a very reasonable and realistic compromise which will give the Coast Guard the flexibility they

need to ensure the security of LNG shipments as well as to deal with the other potential threats in our ports and waterways. I strongly urge all members to support the amendment.

Mr. OBERSTAR. How much time remains?

The CHAIRMAN. The gentleman from Minnesota has 4 minutes remaining. The gentleman from Ohio has 3 minutes remaining.

Mr. OBERSTAR. I yield such time as he may consume to the distinguished Chair of the subcommittee, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, the amendment offered by Mr. LATOURETTE and Mr. BOUSTANY, the ranking member on the Coast Guard subcommittee, would amend section 720, a section that addresses waterside security around LNG terminals and tankers, and I fully support it.

Subsection C of that section requires that, before the Coast Guard can approve a facility's security plan for a new LNG terminal, the service must determine that it has available to the sector in which the terminal is to be located the resources it needs to carry out the risk mitigation measures identified in the waterway suitability report for that terminal. This amendment would include State and local resources in the assessment, which is a good thing.

With the adoption of this amendment and with the measures already included in subsection C, section 720, we will ensure that the Coast Guard's resources do not have to be diverted from other high-priority missions as determined by the commandant to secure LNG operations.

The Coast Guard will be able to depend upon those State and local law enforcement resources that have the proven training, resources, personnel, equipment, and experience necessary to combat a terrorist attack, to conduct waterborne patrols around LNG facilities.

I emphasize that the State and local law enforcement cannot and should not be seen as replacements for the Coast Guard resources, as the Coast Guard is our Nation's maritime time security agency.

Further, having the Coast Guard, our trained maritime security agency, defend our communities from the risk of a terrorist attack on an LNG terminal in the neighborhood is not an unwarranted and unnecessary subsidy. As our Nation continues to approve new LNG terminals, we must commit to ensuring that all of the resources, particularly Coast Guard resources, necessary to secure these facilities are in place. I fully support the amendment.

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I might consume to, one, thank the distinguished chairmen of the subcommittee and the full committee for working with us to massage this language and for accepting our amendment.

It is now my pleasure to yield 1 minute to the coauthor of the amend-

ment with me, who spoke during the course of the general debate and who, when this issue was coming up, because of the importance of natural gas and because of the importance of natural gas in the gulf coast, immediately came to me and said, can we continue to work on this as we bring it to the floor? And I again want to commend Mr. BOUSTANY and his colleagues from the gulf coast for bringing this to our attention.

Mr. BOUSTANY. Mr. Chairman, I want to commend the chairman of the full committee, Mr. OBERSTAR, and the chairman of the subcommittee, Mr. CUMMINGS, for working with us on this amendment. It truly was a bipartisan effort as we went through the process, and I think it does strengthen the bill overall. It is a good balanced approach. It helps the Coast Guard, and I think it does meet security needs. I sincerely thank both of you gentlemen for working with us and accepting this amendment.

I also want to thank my good friend, Mr. LATOURETTE, the ranking member on the subcommittee, for working with me step by step through this process, and I am deeply grateful for the work that he has done on this. I think this amendment will strengthen the bill. It provides for our security needs, and it is a sensible approach.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds.

Does the gentleman from Ohio have any further speakers?

Mr. LATOURETTE. I would advise that I am prepared to close if the gentleman is.

Mr. OBERSTAR. If the gentleman is concluding, I will conclude on our side.

Mr. LATOURETTE. It's a good amendment. I hope we can all vote for it.

I yield back the balance of my time.

Mr. OBERSTAR. We accept the amendment on this side, and urge all Members to vote for it.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATOURETTE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. MATSUI

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-604.

Ms. MATSUI. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Ms. MATSUI:

At the end of section 711 add the following new subsection:

(d) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

(1) WEBSITE.—The Secretary shall maintain, on an Internet site of the department in which the Coast Guard is operating, a numerical accounting of the missing persons and alleged crimes in covered security incidents for which the Secretary receives notification under subsection (a). The data shall

be updated no less frequently than quarterly, aggregated by cruise line, and each cruise line shall be identified by name.

(2) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include on its Internet site a link to the Internet site referred to in paragraph (1), that is available to the public.

The CHAIRMAN. Pursuant to House Resolution 1126, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman, I yield myself such time as I might consume.

Over 10 million Americans travel on cruise lines each year. Unfortunately, many are unaware that they are at risk of being victims of crime while on their vacations. And, it concerns me even more that these victims have inadequate access to assistance or law enforcement in the aftermath of a crime.

In recent years, the media has reported on a number of high-profile cases of passengers falling overboard, passengers going missing, and passengers being raped and sexually assaulted. Sadly, many of these cases remain unresolved, and the perpetrators of sexual violence and other violent crimes on cruise ships are rarely brought to justice.

I became personally involved after a constituent of mine, Laurie Dishman, came to me for assistance after she had been a victim of a violent crime on a cruise ship.

As a result of continued cases of crimes on the high seas, and with the leadership of Chairman CUMMINGS, this Congress has held two hearings on safety on cruise ships. We learned that we must take action to inform people of exposure to risk while on cruise vacations. Mr. Chairman, sometimes even cruise ships need sunshine.

Our amendment seeks to do just that by requiring the Coast Guard to post on-line the number of deaths, missing persons, and reported crimes committed on cruise ships. The amendment also requires cruise lines to include a link to this data base on their public web sites. Our amendment would create transparency and promote a culture of accountability by allowing the public access to the number of crimes reported.

Prevention can be just as powerful as enforcement, and we all know that prevention starts with making people aware of the potential for a crime to occur. With prevention and enforcement, it is our hope that the tragic events that so many passengers have endured will not be repeated. I urge my colleagues to support this amendment.

I reserve the balance of my time.

□ 1200

Mr. OBERSTAR. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I don't intend to oppose it.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. The amendment of the gentlewoman arises out of a very tragic case on which the committee held an extensive hearing, and attempted to address the issue in language within the pending bill.

Her amendment would go to the heart of this issue, establishing a Web site, updated quarterly, aggregated by cruise line, and providing a link to the site on their own Web site. These requirements will allow passengers to review the safety record of a cruise line before booking their cruise. I think that is a very important protection, especially for women who are often alone and can be subjected to violence, as we have seen in the course of these hearings. I support the amendment.

Mr. LATOURETTE. Would the gentleman yield?

Mr. OBERSTAR. I am delighted to yield to the gentleman from Ohio.

Mr. LATOURETTE. I thank the gentleman. I had intended to claim the time in opposition, even though I am not opposed to the amendment. I would indicate to the chairman and the sponsors of the amendment that we are prepared to accept the amendment.

I do have some concerns about the scope of the alleged incidents that will be reported via the Web site and the manner in which it will be presented, but I pledge to work with the amendment's sponsors as we move this bill to conference to facilitate those.

Ms. MATSUI. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. POE).

Mr. POE. Madam Chairman, I thank the gentlelady from California for yielding, and I want to thank Ms. MATSUI and her brave constituent, Laurie Dishman, for bringing this very important issue before Congress.

Every year 10 million American citizens board cruise ships and sail from American ports. These cruise ships are floating cities. But unlike cities, there are no peace officers or properly trained security personnel to protect passengers on board these ships. There is really no oversight or accountability for the cruise industry to properly or timely report secret crimes that occur on ships.

Our amendment just requires the Coast Guard to publicly maintain and regularly update a numerical accounting of crimes and number of missing persons on each ship. This is common sense. We value information on college campuses, and this Congress under the Cleary Act requires reporting of crimes on college campuses. But when there is a crime on the high sea, it is a public relations cover-up because of the travel industry.

This amendment will create a better-informed passenger and, of course, safer cruise ships.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the distinguished Chair of the Rail Subcommittee, the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. I want to start out by thanking Chairmen OBERSTAR and CUMMINGS and Ranking Members MICA and LATOURETTE for all of their hard work on this bill.

We have given the Coast Guard so much responsibility, and they have been up to the challenge.

I have great respect for my colleague from California, but I rise to express my serious concern with her pending amendment. As a Member from the State of Florida, which has 14 ports and numerous cruise lines, I have a particular interest in the cruise industry. The cruise industry is one of the most important economic engines in the State of Florida. Over 5 million passengers embarked from Florida in 2005 and the industry contributed more than \$6 billion in direct spending. In addition, the cruise industry is the second largest employer for Florida, generating more than 125,000 jobs.

Before coming to Congress I owned a travel agency, and I can tell you that a cruise is one of the most cost-effective, safe and enjoyable vacations one can take. In fact, I recently sent my mother on a cruise.

The cruise industry is highly regulated by State, Federal and international laws. They ensure that passengers are safe and have a sound safety and security record. It is apparent from the FBI statistics that crime against U.S. passengers on cruise ships are very rare.

The proposed amendment would unfairly penalize the cruise industry and require the public posting of crime allegations, organized by the name of the cruise line. No other private industry is required to provide such information on an Internet site.

The bill unfairly penalizes the cruise industry without any evidence or justification for this measure.

Requiring the reporting of allegations of crimes onboard ships would be misleading to the public as there is no distinction between an allegation and an actual crime committed. That is why if a local government requires the reporting of allegations of crime, no specific business is identified since in many instances these allegations are unfounded.

In closing, I will continue to work to make sure that the cruise industry is one of the safest industries in this country.

Ms. MATSUI. Madam Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentlelady for yielding and for her very strong support and thoughtful work on this legislation, and I am proud to join Congresswoman MATSUI and Congressmen SHAYS and POE on this amendment which would require the Coast Guard to maintain an online database about missing persons and alleged crimes committed on cruise ships and to require cruise lines to include a link to this database on their public Web sites.

Like my good friend from Florida, I also represent many fine ports and many fine cruise lines that have taken steps to improve their procedures. But certainly individuals going on trips should know the track records of cruise lines, and know the steps they have taken to improve safety. The absolute most important part of a vacation is to make sure you have a safe, enjoyable time.

This is a commonsense amendment, and it will provide the public with valuable information before booking their trips, as well as give an indication of where there are challenges in the industry and improvements that have taken place. I urge an "aye" vote.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Chairman, before beginning, Ms. MATSUI, do you have 30 seconds you could yield me?

Ms. MATSUI. And I yield 30 seconds to the gentleman from Connecticut.

Mr. SHAYS. I thank both Members for their courtesy in yielding me this time.

I have a different view than some of my colleagues. This industry may be highly regulated by State, Federal and international governments, but because all are involved, no one takes ownership.

I had an experience with a constituent, George Smith, who was lost at sea on his honeymoon on board a cruise ship in the Mediterranean. We had hearings on this tragedy, and had people contact us with unbelievable stories of someone missing, the family never being notified, the cruise line taking the person's possessions and putting them in a lost-and-found and then selling them, of sexual assaults and thefts, and no information being provided about the crimes to the proper authorities.

What this language does, the Matsui amendment, requires the secretary of the Department of Homeland Security to maintain a numerical account of missing persons and alleged crimes committed on cruise ships. The database will be updated quarterly and aggregated by the cruise line industry.

It requires cruise lines to include a link to this database on their public Web site. The public has a right to know about the exact circumstances that take place on board cruise ships.

This is a sensible amendment. It needs to pass. And I thank her for introducing it.

Ms. MATSUI. In closing, Madam Chairman, providing public access and crime statistics is an important part of crime prevention. I thank my cosponsors and supporters of this amendment, and urge my colleagues to support transparency in the cruise industries.

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

Mr. OBERSTAR. I yield the balance of my time to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. This issue, as the chairman of the subcommittee, I have to tell you that this has been a very, very difficult issue. We have done two hearings out of a total of 17. It has been extremely emotional. But on balance, I think that this is a good amendment. I want to congratulate Ms. MATSUI and all of the cosponsors.

I think we have to protect the public; but at the same time, we have to make sure that we are fair to the cruise industry. This is an ongoing thing. We have discussions on other matters regarding cruise ships and passengers. I think this is a good amendment, and I support it.

The Acting CHAIRMAN (Mrs. JONES of Ohio). The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. POE

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-604.

Mr. POE. Madam Chairman, I have an amendment at the desk made in order on behalf of myself and Mr. LUNGREN of California.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. POE:

At the end of the bill add the following new title:

TITLE ____—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. ____ OPERATION OF SUBMERSIBLE OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new section:

“§2285. Operation of submersible or semi-submersible vessel without nationality

“(a) FINDINGS AND DECLARATIONS.—Congress finds and declares that operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

“(b) OFFENSES.—

“(1) IN GENERAL.—Whoever knowingly or intentionally operates by any means or embarks in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, shall be punished as prescribed in subsection (h).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to violate this section shall be punished as prescribed in subsection (h).

“(c) DEFINITIONS.—In this section, the term—

“(1) ‘submersible vessel’ means a vessel that is capable of operating below the surface of the water, and includes manned and unmanned watercraft.

“(2) ‘semi-submersible vessel’ means any watercraft constructed or adapted to be capable of putting much of its bulk under the surface of the water.

“(3) ‘vessel without nationality’ has the same meaning as section 70502(d) of title 46.

“(d) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this section, including an attempt or conspiracy to commit such offense.

“(e) CLAIM OF NATIONALITY OR REGISTRY.—“(1) A claim of nationality or registry under this section includes only—

“(A) possession on board the vessel and production of documents evidencing the vessel's nationality as provided in article 5 of the 1958 Convention on the High Seas;

“(B) flying its nation's ensign or flag; or

“(C) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

“(2) The failure of any submersible or semi-submersible vessel to display registry numbers or a national ensign or flag shall create a rebuttable presumption that the vessel is without nationality, as defined in this section.

“(f) FEDERAL ACTIVITIES.—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

“(g) APPLICABILITY OF OTHER PROVISIONS.—Sections 70504 and 70505 of title 46 apply to this section.

“(h) PENALTIES.—

“(1) VIOLATIONS.—A person violating this section shall be fined under this title, imprisoned not more than 20 years, or both.

“(2) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law, a term of imprisonment imposed under this section shall be consecutive to the sentence of imprisonment for any other offense.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following new item:

“2285. Operation of submersible or semi-submersible vessel without nationality.”.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE. Madam Chairman, I yield myself such time as I may consume.

This is a photograph regarding the amendment we will talk about this morning. These are mini-submarines. They are currently being made in the jungles of Colombia, alongside much of the drugs that they carry, probably from the Revolutionary Armed Forces of Colombia which is the military wing of the Colombian Communist Party.

These vessels are made out of fiberglass. They are about 100-feet long. They carry a crew of five and up to 13 tons of drugs with a street value of about \$300 million. They travel about 14 miles per hour, and they are barely below the surface. They are constructed to remain below the surface of the water, making them difficult for the U.S. Navy and the Coast Guard to track. And they can travel all of the way from the north coast of South America to the southeastern United States without refueling.

These vessels that the Coast Guard are encountering are stateless vessels with no legitimate use. They are built for stealth and the capability to rapidly scuttle the illicit drugs they are carrying.

What happens is when the United States Coast Guard or the Navy comes upon one of these vessels, the crew scuttles the ship, it sinks, and all of the contraband sinks to the bottom of the ocean. The only one prosecution that has taken place, reflected here on the bottom, occurred when a bale of cocaine floated back to the surface. The five crewmen are now being prosecuted in Tampa, Florida. And let me mention that these vessels can not only be used for drugs, they can bring explosives into the United States. They come up our waterways. They can attack crude ships, ships that are bringing in oil tankers, our military ships like the U.S.S. *Cole*, or even cruise ships, as we mentioned earlier.

This amendment would simply state the findings of Congress that these stateless vehicles have no legitimate use on international waters, and the crew that is operating one of these is committing a Federal crime.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I claim the time in opposition, though I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I thank the gentleman from Texas, a member of our committee, for offering this amendment.

The Coast Guard in the past 4 months has had 23 cases involving semi-submersible vessels, and the Coast Guard intelligence sector predicts that 85 cases will occur this year, possibly a projection of 120 such cases next year.

This amendment deals with stateless submersible or semi-submersible vessels on international voyages, and makes it a finding of Congress that they are a serious international problem that facilitates transnational crimes, including drug trafficking and terrorism, a serious threat to U.S. maritime security navigation, and I appreciate the gentleman offering the amendment.

I reserve the balance of my time.

Mr. POE. I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Madam Chairman, this is an important amendment. This is an attempt by us to get our criminal laws to catch up with the technology used by the bad guys, essentially.

□ 1215

If you were to look at one of these in the open sea, you would find out how difficult it is to spot them actually, even from the air. They are a very effective means by which they can deliver illegal drugs to this country, which they have done.

The Coast Guard has done a remarkable job in fighting this. But this law

will give us the ability to prosecute cases that are, we are incapable of prosecuting at the present time.

It will also alleviate the danger that is posed to our members of the Coast Guard in their attempt to retrieve the contraband that is thrown overboard when the perpetrators of these kinds of activities find that they are being chased by the Coast Guard. In this case, it will be illegal to be utilizing these kind of vessels for this type of purpose, but you will not have to prove the contraband actually is there.

This is an effective means by which we are giving an additional tool to our Coast Guard men and women around the world, and also to our prosecutors, to ensure that we deal with the continuing problem of drug trade.

But, in addition to that, as the gentleman from Texas mentioned, this could be used for delivering weapons of mass destruction to our shores. For that reason, if no other, I would hope we would get a unanimous vote in support of this amendment.

Mr. OBERSTAR. I will reserve the balance of our time. I will yield to the gentleman from Maryland to close on our side. So the gentleman may proceed with his speakers.

Mr. POE. Madam Chairman, I inquire as to how much time is left on each side.

The Acting CHAIRMAN. The gentleman from Texas has 1½ minutes. The gentleman from Minnesota has 4 minutes.

Mr. POE. Madam Chairman, I yield 30 seconds to my friend from Texas (Mr. CULBERSON).

Mr. CULBERSON. Madam Chairman, I won't take the whole time. Just to tell you I just returned from a briefing at the Coast Guard with Admiral Allen. They brought this to my attention. One of these vehicles can carry up to a billion dollars worth of drugs. They can carry weapons of mass destruction.

If the vessel sinks before the Coast Guard can get on it, they lose all the evidence. So this is a vitally important amendment to the Coast Guard to enforce our laws and protect this Nation. And I hope we will all support it.

Mr. OBERSTAR. The gentleman may close and we will close on our side.

Mr. POE. I want to thank the chairman of the committee and the chairman of the subcommittee for their support on this important legislation. It will make our country safer. I hope that it is adopted by our Congress immediately.

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

Mr. OBERSTAR. I yield to the gentleman from Maryland, Chair of the Coast Guard Subcommittee, the balance of our time.

Mr. CUMMINGS. Madam Chairman, may I inquire as to how much time we have.

The Acting CHAIRMAN. The gentleman has 4 minutes.

Mr. CUMMINGS. Thank you, Mr. Chairman, for yielding.

I also rise in support of this very important amendment. This amendment would make it a crime to operate on an international voyage a submersible or semi-submersible vessel utilized to traffic drugs or support other illegal activities.

The use of the submersible vehicles to attempt to smuggle drugs from foreign ports to the United States is on the rise, and such vehicles are capable of carrying vast quantities of drugs.

I'm very familiar with this issue, having been former ranking member of the Drug Subcommittee of the Government Reform Committee, and now chairman of this subcommittee. The very drugs that these folks are trying to bring into this country, they're trying to bring them on these kind of boats. I've actually seen these boats. And someone said it a moment ago.

It is so important that we keep up with the drug smugglers. They are constantly trying to find new methods to avoid capture and prosecution, and so this is a good thing.

In August of last year, for instance, the Coast Guard and other Federal partners seized a semi-submersible vessel carrying cocaine estimated to be worth more than \$350 million.

And, by the way, Madam Chairman, I also note that this year the Coast Guard has taken in and seized more drugs than in any year in its history.

As someone who represents the City of Baltimore, I know firsthand the destruction that drugs can cause. And I know that every gram that is kept off our streets is a victory over the forces that destroy lives and communities.

I also know that the profit available from drug drives and smugglers, they continually try to come up with these new techniques, and this is our effort, Mr. POE's effort to address this.

With that, Madam Chairman, I wholeheartedly support this amendment. I want to thank Mr. POE for sponsoring it.

Mr. PAUL. Madam Chairman, I rise in opposition to this amendment because it strikes me as unconstitutional to make it a Federal crime to operate a submersible or semi-submersible vehicle that is not registered with a country if it navigates through international waters. I believe that this amendment, aside from being unconstitutional, is dangerously broad and may well lead to the persecution of individuals who are in no way engaging in illegal activity. I am concerned that this may lead to the prosecution of, for example, a scientific organization that builds and operates a submersible research vessel and operates it in international waters. Are these organizations going to be forced to register their activities with the U.S. Government or face a 20 year jail term? The real intent of this amendment is to add yet another draconian weapon in the arsenal of the government's failed war on drugs. This amendment may well have chilling unintended consequences for individuals and organizations that have nothing to do with drug or human smuggling and as such I cannot support the Poe amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. CUMMINGS. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 5 OFFERED BY MR. MCNERNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-604.

Mr. MCNERNEY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. MCNERNEY:

At the end of the bill add the following new title.

TITLE —ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. —. LEGAL AUTHORITY OF THE COAST GUARD TO CARRY OUT ITS HOMELAND SECURITY MISSIONS NOT IMPAIRED.

The provisions of this Act governing the marine safety mission of the Coast Guard shall not impair the legal authority of the Coast Guard to carry out its homeland security missions including—

(1) protecting ports, waterways, coastal security, and the marine transportation system from an act of terrorism;

(2) securing our borders against aliens seeking to unlawfully enter the United States, illegal drugs, firearms, and weapons of mass destruction at ports, waterways, and throughout the marine transportation system;

(3) preventing human smuggling operations at ports, waterways, and throughout the marine transportation system;

(4) maintaining defense readiness to rapidly deploy defensive port operations and security operations and environmental defense operations;

(5) coordinating efforts and intelligence with Federal, State, and local agencies to deter, detect, and respond to the threat of terrorism at ports, on waterways, and throughout the marine transportation system;

(6) preventing Osama Bin Laden, al Qaeda, or any other terrorist or terrorist organization from attacking the United States or any United States person;

(7) protecting the United States or any United States person from threats posed by weapons of mass destruction or other threats to national security.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Madam Chairman, since the terrible events of September 11, 2001, we have relied heavily on the brave men and women of the U.S. Coast Guard to be our eyes and ears against terrorism along our coastal borders and at more than 300 of our Nation's ports.

The Coast Guard's homeland security mission isn't new. It began more than

200 years ago when the service was founded. Yet, today, we are more focused on the need to provide maritime security. The Coast Guard has ramped up its efforts to ensure that we don't allow people into this country who intend to do us harm or weapons to unleash upon us.

We have improved our ability to deal with potential terrorist threats, but we must keep up the progress. America's security is our paramount responsibility, and our goals must be always to counteract threats against our citizens, address the dangers posed by terrorists, and eliminate the potential for introduction of weapons of mass destruction.

My congressional district is home to the Port of Stockton, one of the largest inland ports in the Nation. While it is an economic engine for California's Central Valley, moving everything from agricultural products to wind turbines, it may be viewed as a potential entry point for those who intend to do us harm. Thankfully, the Coast Guard understands the risk and provides constant security that insures continued business and peace of mind.

I believe that it's important to highlight the dual responsibilities of the Coast Guard, and we should ensure that the Coast Guard's homeland security missions are not lessened by the licensing and regulatory functions of the Guard.

My amendment is both simple and needed. It outlines formally that none of the changes to the marine safeguard mission of the Coast Guard shall impair in any way, the homeland security mission of the Coast Guard. It is important to note that we are not creating new authorizations. We are simply outlining formally the continued importance of protecting our waterways and ports, maintaining coastal security, and securing our borders against aliens seeking to unlawfully enter the United States.

Americans deserve to know that our ports and waterways are protected. This amendment does just that by clarifying the Coast Guard's homeland security missions are strengthened by the legislation we are doing today.

I consider all of my colleagues support for this commonsense amendment, and I reserve the balance of my time.

Mr. LATOURETTE. Madam Chairman, I ask unanimous consent to control the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. LATOURETTE. Madam Chairman, we are prepared to accept this amendment. The Coast Guard is a multi-mission military service that must have the ability and flexibility to respond to numerous concerns and threats in the maritime domain.

We share the concern of the sponsor that no one Coast Guard mission

should be elevated in precedence to the expense of the service's many other responsibilities.

I want to congratulate Mr. MCNERNEY, a new Member of the House, for bringing this amendment to the floor, bringing it to our attention.

I would be happy to yield to the distinguished chairman for any observations he would have.

Mr. OBERSTAR. I thank the gentleman for yielding time.

It was our purpose from the very outset of crafting the marine safety provisions of this bill to delineate clearly the responsibilities of the Coast Guard on safety, on its safety mission, and on the new emphasis within the Department of Homeland Security on their security responsibilities.

In fact, this was an issue, I would say to the gentleman from Ohio, that then Chairman YOUNG and I raised with the President at the White House some 6 plus years ago when he first proposed the Department of Homeland Security, that the bill, as proposed, the proposition set forth by the administration, did not distinguish between search, rescue, safety responsibilities of the Coast Guard and these new emphasis duties on security. We do that now in this legislation. The amendment of the gentleman from California will further delineate that distinction.

I thank the gentleman for yielding this time, and I thank the gentleman for his amendment.

Mr. LATOURETTE. I would ask the chairman of the subcommittee, Mr. CUMMINGS, do you want to say anything about the amendment?

I would be happy to yield to the gentleman from Maryland.

Mr. CUMMINGS. I rise in support of the amendment offered by Mr. MCNERNEY. This simple amendment clarifies that the provisions included in the Coast Guard authorization pertaining to the service's marine safety function will not in any way affect the Coast Guard's authority to carry out its Homeland Security missions.

As the chairman has said, basically, what we're trying to do is make sure that, while we understand that this organization is being stretched, we want to make sure that it takes on its functions effectively and efficiently. I think this amendment simply strengthens the legislation and, therefore, I support it.

Mr. LATOURETTE. I thank both chairmen and want to again congratulate Mr. MCNERNEY on his amendment. I would yield back the balance of my time.

Mr. MCNERNEY. Madam Chairman, the purpose of this bill is just to erase any ambiguity that we want the Coast Guard to be involved in homeland security.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. MCNERNEY. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MR. BILIRAKIS

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110-604.

Mr. BILIRAKIS. Madam Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. BILIRAKIS:

Strike section 708 and insert the following:
SEC. 708. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) COST ANALYSIS.—Within 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate an analysis of the cost of expanding the Coast Guard's biometric identification capabilities for use by the Coast Guards Deployable Operations Group, cutters, stations, and other deployable maritime teams considered appropriate by the Secretary, and any other appropriate Department of Homeland Security maritime vessels and units. The analysis may include a tiered plan for the deployment of this program that gives priority to vessels and units more likely to encounter individuals suspected of making illegal border crossings through the maritime environment.

(d) DEFINITION.—For the purposes of this section, the term "biometric identification" means use of fingerprint and digital photography images.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Florida (Mr. BILIRAKIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. BILIRAKIS. I yield myself as much time as I may consume.

I rise to offer an amendment to the Coast Guard Authorization Act that will strengthen maritime security. My amendment would replace section 708 of the bill which incorporates language from a stand-alone bill I have introduced with tougher language that would codify and expand a Coast Guard pilot program to collect biometric information on aliens interdicted at sea.

My amendment requires the Coast Guard to move forward on this program within 1 year, and provide a cost

analysis to Congress on expanding these capabilities in other Coast Guard and Department of Homeland Security vessels and units.

As part of this analysis, my amendment would encourage DHS to give priority to expanding mobile biometric collection capabilities to assets and areas that are most likely to encounter illegal border crossings in the maritime environment.

□ 1230

The efforts of the Coast Guard in this area show great promise. Since the collection of limited biometrics on individuals interdicted at sea began, the Coast Guard has collected biometric data from 1,513 migrants resulting in nearly 300 matches against databases of wanted criminals, immigration violators, and others who have previously encountered government authorities. Instead of being released to repeat their dangerous and illegal behavior, these individuals are now detained and prosecuted.

The U.S. Attorney's Office in San Juan, Puerto Rico, has prosecuted more than 118 individuals for violations of U.S. laws, immigration laws, and other offenses based substantially on information obtained through the biometrics program.

The Coast Guard reports that illegal migration in the Mona Pass area, an area between the Dominican Republic and Puerto Rico, has been reduced by 50 percent in the past year as a direct result of the biometrics program.

By leveraging its relationships within DHS, the Coast Guard now has access to millions of fingerprint files it can use to positively identify individuals encountered at sea, those who are without identification and are suspected of attempting an illegality and illegally entering the United States. Now that the Coast Guard has determined the most effective way to collect biometrics at sea, the Department of Homeland Security needs to determine the most appropriate way to move forward and expand this effort as cost effectively as possible, which is what my amendment requires.

Given the success of existing efforts on biometrics by the Coast Guard, I believe it is imperative that we strengthen section 708 of the underlying bill on clarifying congressional intent in this area so that these efforts are cost effective and will do the most good. It is clear the collection of biometrics at sea by the Coast Guard is already helping greatly deter illegal migration and prevent the capture and release of dangerous individuals.

I urge the distinguished Members of this House to help further that effort by voting for this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I rise to claim the time in opposition, though I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I do support the amendment offered by the distinguished gentleman from Florida with whose father I had the pleasure to serve, a person of great personal distinction who served this body very well and with whom I had a delightful personal relationship. And I always appreciated that friendship.

I thank the gentleman for offering this amendment which requires biometric identification of suspected persons, including terrorists, to strengthen border security. Fingerprinting, digital photos, and other technology can be used to identify illegal migrants, smugglers, and terrorists. It will be useful in establishing a database.

It parallels what we do in the TSA for aviation security and in other areas of security. It will be a valuable asset in the ongoing struggle against terrorism, and I appreciate the gentleman offering the amendment.

I am happy to yield to the gentleman from Ohio.

Mr. LATOURETTE. I want to congratulate Mr. BILIRAKIS on this amendment, and we all had the privilege of serving with his dad, Mike, and he's a "Gus" off the old block, and he's doing a fine job not only in this amendment but also the Waterway Watch program.

We're prepared to accept the amendment. The Coast Guard has operated a pilot program in Mona Pass, Puerto Rico. It has been extremely successful. We're aware that the Coast Guard intends to expand the program in the Caribbean Basin to make it a permanent program. His amendment would accomplish these goals.

For that reason, I support the amendment and congratulate Mr. BILIRAKIS.

Mr. BILIRAKIS. Madam Chairman, I would like to thank Chairman THOMPSON and also thank Ranking Member KING for supporting this good bill and my amendment. Thank you very much.

Mr. OBERSTAR. I yield to close on our side to the gentleman from Maryland.

Mr. CUMMINGS. Madam Chairman, this amendment merely, simply stated, makes sense. It amends section 708 to require the creation of a program that will enable the Coast Guard to test the use of biometrics technology to identify individuals intercepted by the service. I have actually seen this procedure and have seen this biometric equipment in operation. This allows us to use our resources, our limited resources that the Coast Guard has, in an efficient and effective manner; and it also will allow us to be able to learn exactly who these terrorists might be and get identification information on them immediately.

And so I want to thank the gentleman for providing us with this amendment, which makes our bill better.

Mr. BILIRAKIS. I also want to thank Chairman OBERSTAR for the kind words and Mr. LATOURETTE, my good friend. This is a great amendment. Thanks for your cooperation. I appreciate it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

The amendment was agreed to.

Mr. OBERSTAR. Madam Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. ZOE LOFGREN of California) having assumed the chair, Mrs. JONES of Ohio, Acting Chairman 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. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, had come to no resolution thereon.

TEMPORARY EXTENSION OF FARM PROGRAMS

Mr. HOLDEN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2903) to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. LUCAS. Madam Speaker, reserving the right to object, I rise in support of the temporary farm bill extension. It will extend the provisions of the 2002 farm bill an additional week to give our committee more time to finish the farm bill.

We continue to work towards an agreement on this very complex piece of legislation. While there is a significant amount of work that has been accomplished, there is more that remains to be done. And the House and Senate conferees have been meeting this week and continue to meet. The staff has worked diligently to bring this bill together.

The farm bill is a critical piece of legislation for this country. It's the commodity title, it's the social attraction problems, conservation, rural development and a variety of other things. It is something that must be accomplished and we on the Agriculture Committee, Congressman HOLDEN and myself, take very seriously as we work in that direction.

Mr. HOLDEN. Madam Speaker, will the gentleman yield?

Mr. LUCAS. I yield to the gentleman from Pennsylvania.

Mr. HOLDEN. Madam Speaker, I agree with my friend from Oklahoma. This legislation is desperately needed in rural America and in agriculture country. The conferees are making progress, but Chairman PETERSON and Ranking Member GOODLATTE are not on the floor right now because they are in meetings with the Ways and Means

Committee and the Senate Finance Committee as progress is being made. But we need this one additional week to iron out the differences with the other body, and I urge the adoption of the bill.

Mr. LUCAS. Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

The text of the Senate bill is as follows:

S. 2903

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

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective April 25, 2008, section 1 of Public Law 110-196 (122 Stat. 653) (as amended by Public Law 110-200 (122 Stat. 695)) is amended—

(1) in subsection (a), by striking “April 25, 2008” and inserting “May 2, 2008”; and

(2) in subsection (d), by striking “April 25, 2008” and inserting “May 2, 2008”.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOLDEN. Madam Speaker, I ask unanimous that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

COAST GUARD AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1126 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2830.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, with Mrs. JONES of Ohio (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 6 printed in part B of House Report 110-604 offered by the gentleman from Florida (Mr. BILIRAKIS) had been disposed of.

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110-604.

Mr. MARKEY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. MARKEY:

At the end of title VII add the following:

SEC. 708. REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

(a) NOTICE OF DETERMINATION.—Consistent with other provisions of law, the Secretary of Homeland Security must notify the Federal Energy Regulatory Commission when a determination is made that the waterway to a proposed waterside liquefied natural gas facility is suitable or unsuitable for the marine traffic associated with such facility.

(b) FEDERAL ENERGY REGULATORY COMMISSION RESPONSE.—The Federal Energy Regulatory Commission shall respond to the Secretary's determination under subsection (a) by informing the Secretary within 90 days of notification or at the conclusion of any available appeal process, whichever is later, of what action the Commission has taken, pursuant to its authorities under the Natural Gas Act, regarding a proposal to construct and operate a waterside liquefied natural gas facility subject to a determination made under subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Madam Chairman, it's good to see you back up in the Chair again. I'm glad that you have returned up there.

I would like to thank, first of all, Chairman JIM OBERSTAR, a great chairman of the Transportation Committee for his excellent work; Chairman BENNIE THOMPSON for his perspicacious leadership; to Chairman JOHN DINGELL, whose omniscient and ubiquitous presence on so many issues is always an essential ingredient in passing legislation of this magnitude.

And I encourage all of my colleagues to ensure that this commonsense provision, which will ensure that siting decisions for proposed LNG facilities are coordinated and informed by homeland security considerations.

My amendment requires the Department of Homeland Security to notify the Federal Energy Regulatory Commission of the Homeland Security Department's determination of whether the waterway to a proposed liquefied national gas facility is suitable for the marine traffic associated with the proposed facility.

The Federal Energy Regulatory Commission in turn must respond to the Department of Homeland Security within 90 days or at the conclusion of any available appeals process of what the action the commission will take on the LNG application.

My amendment does not dispute the need for more LNG. We need more LNG. What my provision says is that before we build a new LNG facility, we must first make sure we are not cre-

ating a giant terrorist tiger. In Boston, we've always known that the LNG facility on land in my congressional district was a huge potential fire hazard. But after the September 11 attacks, when we learned how many terrorists had actually gotten off the LNG ships themselves in Boston coming in from overseas, we learned that it was a huge potential terrorist tiger.

In the face of this kind of risk, my provision mandates that we should have the Homeland Security Department involved at the beginning when any new LNG facilities are being proposed so that the department can assess the potential homeland security risk of building one of these facilities before we blindly move forward to put more LNG terminals in various parts of the country.

The need for coordination between the Coast Guard and the commission was recently reinforced in Fall River, Massachusetts. In Fall River, the Federal Energy Regulatory Commission approved the construction of an LNG facility in 2005. Two years later, the Coast Guard determined that the waterway was not suitable for the marine traffic associated with it. So we have a situation where the FERC has approved a license for the LNG facility that the Coast Guard says, 2 years later, shouldn't be built because the waterway to the facility is not suitable.

□ 1245

But despite this action by the Coast Guard, which effectively blocks the facility, the FERC license remains in place. This lack of coordination makes no sense.

There currently is an interagency agreement among the FERC, the Coast Guard and the Office of Pipeline Safety that is supposed to coordinate efforts on the siting of LNG facilities and safety and security issues associated with proposed sites. But as the review process for the proposed LNG facility in Fall River makes clear, more structure and a timeline is needed to make sure that there is better coordination so that the FERC is not approving proposed facilities only to have the Coast Guard, years later, reject the proposals due to concerns over the suitability of the waterway to the facilities.

At this point, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim the time in opposition, though I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. It was truly delightful to hear the discourse of the gentleman from Massachusetts, perspicacious, omniscient. It is rare that tediological inquiries occur in this body. And for that reason, it is rare to hear such felicitous language used in discourse on the floor, especially important on this aftermath, the day

after the 444th celebration of the birth of Shakespeare. I thank the gentleman for his distinguished presentation.

Madam Chairman, I would be happy to yield to the distinguished gentleman from Ohio.

Mr. LATOURETTE. I thank the chairman for yielding. We are also prepared to accept this amendment. We think it's a good amendment.

Although I was very taken by the gentleman from Massachusetts' prose, I would indicate we did have a pretty extensive hearing in the Coast Guard Subcommittee on this particular bridge and this waterway up in Fall River. I'm never caught short about the imagination of the Massachusetts delegation.

Just to be clear, the FERC approval of that site was based upon one bridge. After the delegation applied for the construction of a new bridge and there was a proposal to demolish the old bridge 100 yards from the new bridge, the Massachusetts delegation has fallen in love with this old bridge. As a result, it is not a navigable waterway. That was the basis for the Coast Guard's decision in this matter. I congratulate Mr. MARKEY for not only his good amendment but also the Massachusetts delegation in general for their ingenious work.

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

Mr. MARKEY. How much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Massachusetts has 1 minute.

Mr. MARKEY. The purpose of my amendment is not the prevention of LNG facilities, but rather to promote coordinate between the Coast Guard and the FERC in siting. We have two other offshore facilities which we are also going to be licensing in Massachusetts. We need more LNG. We just want to make sure that there is good policy, good sense, good coordination.

Again, it's my great honor to have the support of the polysyllabic professor of transportation legislation, the gentleman from Minnesota, who has a mastery of the English language that when the CONGRESSIONAL RECORD is reviewed, no matter how many compound, complex sentences that he utters, they always parse. And that's a special gift that the chairman has. In the area of transportation that is so complex, we need people with those abilities to be able to put together complex policies as he does. I thank the gentleman.

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

Mr. OBERSTAR. I thank the gentleman for those thoughtful remarks.

I yield the balance of our time to the distinguished Chair of the Coast Guard Subcommittee, Mr. CUMMINGS.

Mr. CUMMINGS. Madam Chairman, how much time do we have remaining?

The Acting CHAIRMAN. The gentleman has 3½ minutes.

Mr. CUMMINGS. Madam Chairman, I rise in full support of this amendment.

It is another one of those makes-sense amendments that strengthens the legislation.

We have a situation here where currently, under an existing memorandum of understanding between FERC and the Coast Guard, the Coast Guard already provides the results of its waterway suitability reports to FERC. This amendment would simply codify that practice. The amendment would then require FERC to inform the Secretary of the actions the commission has taken regarding the proposed terminal's application.

It simply makes sense. We've got to have the Coast Guard and FERC working together. Of course the Coast Guard determines suitability of the waterway leading into the location where the LNG is going to be, and then of course FERC takes a look at other things. So the combination of them working together is so very, very important, and so we wholeheartedly support the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110-604.

Ms. ZOE LOFGREN of California. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Ms. ZOE LOFGREN of California:

At the end of title VII add the following:

SEC. ____ USE OF SECONDARY AUTHENTICATION FOR TRANSPORTATION SECURITY CARDS.

The Secretary of Homeland Security may use a secondary authentication system for individuals applying for transportation security cards when fingerprints are not able to be taken or read to enhance transportation security.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from California (Ms. ZOE LOFGREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Ms. ZOE LOFGREN of California. Madam Chairman, I yield myself such time as I may consume.

My amendment is a simple one. It allows the Secretary of the Department of Homeland Security to use a secondary authentication system to verify the identity of individuals who are applying for transportation worker identification credentials when those individuals have failed in their biometric verification due to the quality of their fingerprints.

Since this is the Department of Homeland Security, these credentials are called TWICs. And it is necessary currently, in the bill and under law, to

have your fingerprints taken to enroll to get this TWIC. However, and this is very interesting, Stanford University has done the research. It turns out that about 5 percent of the population is unable to have their fingerprints taken. Now the reasons for this can be many; genetics, age, there is an ethnicity component, illness, hard labor. And when that happens, what that means is that individuals who would otherwise need the card will not be able to get the card unless this amendment is adopted.

I'll give you an example of an individual who has been impacted. George Thomas of Houston, Texas. Mr. Thomas is 85 years old and he is the president of Higman Marine Services. Higman Marine has been in the inland towing business since 1917. When Mr. Thomas applied for his TWIC card, he was told that his skin was too thin to have his fingerprints read and to come back in a couple of months to apply again. Well, what happens to Mr. Thomas, his company, and all his employees? What happens to his business without the president able to comply with TWIC requirements through no fault of his own?

The TWIC procedure already requires TSA to send pertinent parts of the enrollment record to the FBI as well as within the Department of Homeland Security so that appropriate terrorist threat, criminal history and immigration checks can be performed. This amendment authorizes the Secretary of DHS to perform a secondary check if a person's prints cannot be read instead of telling them to come back in a couple of months. This would mean an additional check of the name, but in the future, when the technology has been accepted for broad use, it could also include the use of other biometrics, such as iris, facial or retina scans, voice recognition and the like. It merely gives discretion to the Secretary to either do the name check, or use alternative biometrics.

The point of this amendment is to enhance security, but also to allow workers who are applying for TWIC to avoid being rejected unfairly.

I urge all of my colleagues to vote in favor of this amendment as well as the underlying bill. I would like to thank the chairman, Mr. OBERSTAR, and also Mr. CUMMINGS for their wonderful work on this bill.

Madam Chairman, I reserve the balance of my time.

Mr. LATOURETTE. Madam Chairman, I ask unanimous consent to control the time in opposition although I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. LATOURETTE. Madam Chairman, we're prepared to accept this amendment, although I must say we have concerns about the overall effect

the language will have on the requirements under the Transportation Worker Identification Credential program and port security levels in general.

As we all know, and the committee has received voluminous testimony, TWIC readers will not be available for some time. However, in my opinion, we should not relax identification requirements once the readers are in place in our Nation's ports. The evidence at the committee is that we're not dealing with an unknown universe of individuals, we're dealing with a universe anywhere from 750,000 to 1.5 million people who will eventually come and require a TWIC card.

I look forward to working with Representative ZOE LOFGREN and commend her on behalf of this 85-year-old gentleman, and others, for bringing this matter to our attention. I look forward to working with Chairman OBERSTAR and Chairman CUMMINGS and Representative ZOE LOFGREN in the conference to perhaps tweak the TWIC language and make sure that we're not saying that, in fact, the alternative identification measures are biometric, and they're not saying that we're going to use someone's driver's license as a substitute for those procedures.

I look forward to the conference, and would be happy to yield to the chairman for his observations on the amendment.

Mr. OBERSTAR. I thank the gentleman for yielding. And I share those concerns.

Lockheed Martin, which has the contractor responsibility for issuance of TWIC cards, has reported that fingerprint rejection rate due to poor print quality has been in the range of 2 percent. If you happen to be one of those 2 percent, then you really have a problem. And so that requires those who are rejected to keep coming back to an enrollment center. And the amendment would alleviate mariners from having to make several trips.

I remember myself, when I was working my way through college, I was working at a concrete block factory. I eventually wore out gloves and I said I can't afford any more gloves, so I just moved the concrete blocks with my hands until eventually I had such thick calluses I had no fingerprint whatever, no markings on any of my fingers. It took months afterwards, back in college, to shed those calluses. So I can imagine workers on the docks and all having similar problems. And I think this relief for mariners will be very, very beneficial.

I thank the gentleman for yielding.

Mr. LATOURETTE. I would ask the distinguished chairman of the subcommittee if he has any observations.

Mr. CUMMINGS. I thank the gentleman for yielding.

I support this amendment, also.

Under section 7-105 of title 46, United States Code, the Department of Homeland Security is required to issue a biometric credential to individuals who are authorized to have unescorted ac-

cess to secure areas, vessels and facilities. And some people are unable to accomplish that. I was just talking to my aid, who said that she went to see the rollout and they didn't pick up her fingerprints, which was a bad day for them. And so I think we have to address this.

We will work to ensure that this amendment would not alter the standards in which a TWIC is issued in any way; however, we need to provide options for individuals whose fingerprints, like my aid's, cannot be used to authenticate the cards.

I strongly support the amendment, and we will tweak the TWIC. I thank the gentleman for yielding.

Mr. LATOURETTE. I thank the chairman and reserve the balance of my time.

Ms. ZOE LOFGREN of California. At this point, I would also like to thank Chairman THOMPSON of the Homeland Security Committee for his hard work on this bill.

I yield 1 minute to the gentleman from Texas.

Mr. CUELLAR. Madam Chairman, I rise in support of the amendment offered by Representative ZOE LOFGREN. As you know, in order to obtain a TWIC, a port worker must be fingerprinted. The problem is that it's not always possible to get an image of the person's fingerprint, as has been mentioned a few minutes ago. From excessive sweating to dry skin, all of that can impede the capture of a useable fingerprint. Dry skin is a common occurrence, age, genetics, disease can also cause dry skin. We need to address this.

As you know, the TSA is supposed to issue credentials to at least 850,000 workers by the end of September. Because of these limitations, we need to have a plan, TSA needs to have a plan, and this is why this amendment is important. A person's skin should not prevent them from getting credentialed for a job that they need. I urge support of this amendment.

The Acting CHAIRMAN. Who seeks time?

Ms. ZOE LOFGREN of California. Madam Chairman, I would reserve the balance of my time.

Mr. LATOURETTE. I would indicate to the gentlelady that if you're prepared to close, I will yield back when you're done.

Ms. ZOE LOFGREN of California. Before I yield back, let me just note that I have no motivation to weaken the security of the—

The Acting CHAIRMAN. The gentleman will suspend.

The Chair would note that the gentlewoman from California has the right to close.

Mr. LATOURETTE. Then I am happy to yield back the balance of my time.

□ 1300

The Acting CHAIRMAN. Because the gentleman is not managing time in opposition, the proponent has the right to close.

Mr. LATOURETTE. I just want to be clear as we move forward, Madam Chairman. This has happened a couple of times. And I am not questioning the ruling of the Chair, but a couple of times, the chairman of the committee, Mr. OBERSTAR, has risen to claim time in opposition without being opposed to the amendment and has claimed the right to close, and I just want to make sure we're all squared away.

The Acting CHAIRMAN. The assertions of a Member from the floor are not rulings.

Mr. LATOURETTE. No. You're doing a great job and making great rulings. I just want to be clear as we move forward, because we have about six more amendments. It is my understanding that the chairman closed because he was defending the position of the committee, which I'm doing. If that's not the ruling of the Chair, I'm happy to live with the ruling of the excellent Chair, but I just want to make sure we're squared away.

But in the meantime, I'm yielding back my time.

Ms. ZOE LOFGREN of California. Madam Chairman, I will just note there is not much of a closing. We are in agreement on this amendment. I appreciate the support. I look forward to working further on this.

Certainly, we don't want to weaken our security, but we don't want hard-working people who just can't get their fingerprints taken to be put out of a job. So we are of one mind on this. I thank the committee, all the Members.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. ZOE LOFGREN).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110-604.

Mr. BISHOP of New York. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Mr. BISHOP of New York:

At the end of title VII add the following:

SEC. ____ . REPORT ON STATE AND LOCAL LAW ENFORCEMENT AUGMENTATION OF COAST GUARD RESOURCES WITH RESPECT TO SECURITY ZONES AND UNITED STATES PORTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate a report on the extent to which State and local law enforcement entities are augmenting Coast Guard resources by enforcing Coast Guard-imposed security

zones around vessels transiting to, through, or from United States ports and conducting port security patrols. At a minimum, the report shall specify—

(1) the number of ports in which State and local law enforcement entities are providing any services to enforce Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or to conduct security patrols in United States ports;

(2) the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port security patrols in United States ports, the duration of those agreements, and the aid that State and local entities are engaged to provided through these agreements;

(3) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that State and local law enforcement entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(4) the extent to which the Coast Guard has assessed the ability of State and local law enforcement entities to carry out the security assignments which they have been engaged to perform, including their ability to meet any national standards for training, equipment, and resources that have been established by the Coast Guard in order to ensure that these entities can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(5) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that those entities can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(6) the differences in law enforcement authority, and particularly boarding authority, between the Coast Guard and State and local law enforcement entities, and the impact that these differences have on the ability of State and local law enforcement entities to provide the same level of security that the Coast Guard provides during the enforcement of Coast Guard-imposed security zones and the conduct of security patrols in United States ports; and

(7) the extent of resource, training, and equipment differences between State and local law enforcement entities and the Coast Guard units engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or conducting security patrols in United States ports.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Madam Chairman, I yield myself such time as I may consume.

Let me start by thanking Chairman OBERSTAR and Chairman CUMMINGS and Ranking Member LATOURETTE for their leadership and tireless advocacy on behalf of the Coast Guard. I would also like to express my gratitude for the invaluable service provided by our exemplary Coast Guardsmen and women every day.

My amendment would require the Coast Guard to study the extent to which State and local law enforcement augment Coast Guard resources by enforcing Coast Guard-imposed security zones around vessels transiting to and from U.S. ports and conducting port security patrols. The amendment requires the Coast Guard to study and clarify their relationship with local law enforcement, the standards set to ensure that local law enforcement of Coast Guard security zones can deter a security incident. The amendment also seeks to identify the differences in law enforcement authority, particularly boarding authority, between the Coast Guard and local law enforcement. This amendment is necessary given evidence that the Coast Guard is overextended around the country.

A 2007 GAO report states that the assistance the Coast Guard already receives from State and local law enforcement is vital to meet security requirements with limited resources.

Some may point to this as a vindication of local law enforcement's ability to share in the responsibilities of protecting hazardous cargo from potential threats. I would argue that the GAO has shed a light on a more fundamental issue: a lack of adequate Coast Guard resources and a potential new role for local law enforcement that has historically been reserved for the Coast Guard. This issue requires increased scrutiny.

After 9/11 and the absorption of the Coast Guard by the Department of Homeland Security, considerable strain was placed on Coast Guard resources. This shortfall is apparent as dozens of LNG proposals across the country compete for Coast Guard resources to make waterways suitable for hazardous cargo. The Coast Guard on several occasions has expressed its concerns to Congress about the proliferation of LNG proposals that require extensive Coast Guard oversight. The limited public discussion about who should provide these resources has led to unanswered questions. Is this something that should be passed on to the consumer through the price of goods? Is this a local responsibility? Is this a Federal responsibility? This amendment begins the dialogue necessary to clarify what ratio of responsibility is appropriate to protect hazardous cargo.

It is vital to maritime security to determine the role local law enforcement should play in protecting hazardous cargo so that, as policymakers, we can determine exactly what the Coast Guard needs to protect and preserve America's waterways.

Madam Chairman, I encourage my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim time in opposition to the amendment, even though I am not opposed.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I want to start by thanking the Chair and the Parliamentarian for clarification of a rule of the House that somehow escaped my understanding, and it was interesting to have that explanation. I apologize to the gentleman from Ohio if we had some missteps even to the advantage of the committee.

Of course, I support the amendment, as I said at the outset. It's a study and report amendment to provide a critical assessment of how much the Coast Guard has done to establish standards for State and local law enforcement units that perform maritime patrols and the extent to which law enforcement can meet those standards. I think it's useful to have that information.

Madam Chairman, I would be happy to yield to the gentleman from Ohio.

Mr. LATOURETTE. I thank the chairman very much for yielding.

Madam Chairman, we have no objection to the amendment and are pleased to accept it. I want to congratulate Mr. BISHOP, a valued member of the committee and the subcommittee.

This will require the Coast Guard to report on the use and qualification of State and local officials used in a security capacities at LNG facilities.

I would just remark parenthetically that I assume that the chairman was able to close because he is much more revered in the institution than I am, and I accept that and I also agree with that assessment.

Mr. OBERSTAR. I thank the gentleman. I think we got away with one for a while.

Madam Chairman, I yield such time as he may consume to the distinguished Chair of the subcommittee.

Mr. CUMMINGS. I thank the chairman for yielding.

Madam Chairman, I fully support this amendment by Mr. BISHOP, the Vice Chair of our subcommittee.

This amendment would require the Coast Guard to detail the extent to which State and local law enforcement entities are augmenting Coast Guard resources by conducting port security patrols and by aiding in the enforcement of Coast Guard-imposed security zones around vessels entering our ports.

While I have the utmost respect for State and local law enforcement, the subcommittee is concerned that such entities may be undertaking maritime patrols to augment the Coast Guard's resources without having previously had experience performing law enforcement functions on the water and without fully understanding what it takes to respond to the unique threats that

confront our Nation in the maritime environment.

The study required by Mr. BISHOP's amendment would provide the critical assessment that is needed both of whether the Coast Guard has established adequate training, resource, and equipment standards for State and local law enforcement units performing maritime patrols and the extent to which law enforcement can meet these standards.

I fully support the amendment.

Mr. BISHOP of New York. Madam Chairman, let me simply close by thanking Chairman OBERSTAR and Chairman CUMMINGS and Mr. LATOURETTE for their support of this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110-604.

Mr. BROUN of Georgia. Madam Chairman, I have an amendment at the desk that has been made in order by the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. BROUN of Georgia:

Strikes titles X and XI.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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

I am offering this amendment because I am concerned about the intent and the function of title X and title XI. I would like to seek some clarification from the chairman of the Committee on Transportation and Infrastructure, my friend from Minnesota (Mr. OBERSTAR), if he would join me in a discussion.

Mr. OBERSTAR, with respect to title X, I'm concerned that if we transfer 80 percent of the funding for the Coast Guard Administrative Law Judge functions to the National Transportation Safety Board, the Coast Guard will not be able to manage the appeals process of any of the truck, rail, and port workers who might be denied the Transportation Worker Identification Credential, or TWIC, card. My concern is that we will create a bottleneck in the appeals process, effectively slowing TWIC appeals and preventing American workers from gainful employment while appeals are adjudicated.

Can you assure us that when this bill emerges from conference that you will

make sure that the Coast Guard retains sufficient resources to address the expected TWIC appeal workload resulting from the million workers that are applying?

I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

Certainly it's our intention to protect the resources of the Coast Guard. We will work to assure that when a bill emerges from conference that there will be sufficient change, that we will not elevate one mission above any other critical Coast Guard mission.

And as further clarification, it was simply a request from NTSB that at least for 1 year we transfer adequate funds to start off. So the legislation limits that transfer of dollars to 1 year, and we will work to assure the strengthening of that language to make sure that that's only for 1 year. And then in the meantime, as I said in an earlier discussion on this matter, we will go to the Appropriations Committee, I hope in a bipartisan effort, to ask them to provide sufficient additional funding for the Coast Guard to continue to carry out its missions.

Mr. BROUN of Georgia. I thank you for that assurance. It's certainly a huge issue, as far as I'm concerned, as we deal with Homeland Security and TWIC cards. So I greatly appreciate the chairman's assurance of that, and I'm looking forward to that bipartisan effort. We, unfortunately, don't have enough bipartisanship and bipartisan effort here; so I thank the chairman for that.

Reclaiming my time, Madam Chairman, with respect to title XI, I'm concerned that the current language might give the appearance of elevating the Coast Guard's marine safety mission above its other critical missions, such as search and rescue, national defense, and port security.

Can you confirm for me, Mr. Chairman, that it is not your intent to elevate this one mission above other missions that are critical for the Coast Guard?

I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Again I thank the gentleman for yielding.

It is certainly not our intent to elevate marine safety. Marine safety is one of several functions of the Coast Guard. But as I said in earlier debates, when Mr. YOUNG, then chairman of the committee, and I were at the White House at the earliest stages of creating the Department of Homeland Security, we raised this issue at the White House and said, You're not making clear enough distinction between the homeland security role of the Coast Guard and the other functions, search and rescue, marine safety, aid in navigation, and so on. So we're now providing that clear delineation, assuring there are adequate resources, providing additional personnel to the Coast Guard, the first really substantial increase in

Coast Guard personnel since I came to Congress in 1975. And I'm really insistent on this, that we do not elevate above that but that we clearly delineate the marine safety function of the Coast Guard.

Mr. BROUN of Georgia. Certainly that's important.

And reclaiming my time, I thank the gentleman for his assurances, and I appreciate his willingness to engage in this dialogue to clarify the intent of these two titles and his commitment to work with me in conference to ensure that the Coast Guard has the authorities and resources it needs to secure our homeland.

Mr. CUMMINGS. Will the gentleman yield?

Mr. BROUN of Georgia. I yield to the gentleman from Maryland.

Mr. CUMMINGS. I thank the gentleman for yielding.

I just wanted to say that we are very concerned, as you are, and please note that no TWIC applicants have requested an ALJ hearing as of April 13.

The Acting CHAIRMAN. The gentleman from Georgia's time has expired.

Mr. LATOURETTE. Madam Chairman, I would like to claim the time in opposition to the amendment even though I am not opposed and would continue to yield to the distinguished chairman of the subcommittee.

The Acting CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. CUMMINGS. I thank the gentleman for yielding.

Madam Chairman, I want to join with Chairman OBERSTAR in strongly opposing this amendment. But we do plan to work with the gentleman on this.

Title X grants mariners a "change of venue" when they appeal the suspension and revocation of their professional credentials from an Administrative Law Judge system controlled by the very same Coast Guard that is seeking to take their credentials to a system located in a neutral agency, the National Transportation Safety Board.

□ 1315

I note that title X would move only Coast Guard suspension and revocation cases to NTSB. All other cases currently heard by the Coast Guard ALJ, including cases from TSA, would be unaffected by title X. I know that the concerns have been raised by the gentleman and that the changes proposed in title X would leave the Coast Guard ALJ program without the resources to handle the TSA, but we certainly question that. However, I note that the cases heard by the Coast Guard's ALJ for TSA and for other agencies, like NOAA, are heard on a cost reimbursement basis. Title X would continue to allow agencies to reimburse the Coast Guard ALJ for the costs associated with adjudication of those cases.

Further, I'd note that since TSA was established, that agency has filed 504

civil penalty cases with the Coast Guard ALJ, 60 cases remain pending, a total of 230 cases did not proceed to an adjudication. Orders granting motions for a decision were issued in 156 cases, and dismissal orders were granted in four cases.

Finally, let me say this. No TWIC applicants have requested an ALJ hearing as of April 13, though there have been 230 enrollments, and they started enrolling back in October of 2007. Decisions and orders were issued in only 54 cases, which would be an average of about nine cases per year.

So, again, we have the same concerns, and I hope you understand why this even came about, because we have some very painful testimony from mariners about how they felt that the system was already set up against them before they got into the hearing room. And we had testimony from Administrative Law Judges who were concerned that an atmosphere of unfairness was being pushed upon them by those who may have been above them.

So I think that the ranking member and I and other members of our committee agreed that we needed to do something, and we thought this was the best vehicle. We have the same concerns that you have.

With that, I want to thank the gentleman for yielding.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. My concern was that the GAO is going to investigate any improprieties within the current Administrative Law Judge System, and that GAO report hasn't been completed. This just seems premature. That is what drew my concern, and I appreciate the chairman's assurances.

With that, I have got one more statement.

Mr. LATOURETTE. Reclaiming my time for a minute, it is my understanding that the gentleman from Georgia is going to ask unanimous consent to withdraw his amendment, and I want to express my appreciation because the amendment, from my perspective, is problematic. We do concur in the concerns that have been expressed in the colloquy between the chairman and Mr. BROUN, and I want to congratulate Dr. BROUN as another new Member of the House who has really stepped up to the plate and brought important issues before this body.

I would tell the gentleman that we did have some pretty illuminating hearings on the Administrative Law Judge, and the current Acting Chairman and I both served as prosecuting attorneys, she was also a judge, and I would tell you that my experience, and I think she would echo this, is that people can accept when they come into a forum if they lose, as long as they believe that they have lost fairly. The testimony that we received was that there are a number of people that don't

have that feeling going in. It was our hope by making this small adjustment that even when they are ruled against, they will say, I got my day in court.

That was the objective. I do appreciate the gentleman's concern. I promise him that we will continue to work on it as it goes to conference.

I would be happy to yield once again to the gentleman from Georgia.

Mr. BROUN of Georgia. Madam Chairman, I submit for the RECORD two letters, a statement from the Commandant of the Coast Guard, as well as the letter from TSA stating their concern on these titles.

U.S. DEPARTMENT OF HOMELAND SECURITY, UNITED STATES COAST GUARD,

Washington, DC, April 23, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives,
Washington, DC.

DEAR CHAIRMAN OBERSTAR: On April 18, the Committee filed with the Rules Committee an amendment in the nature of a substitute to H.R. 2830, that would be retitled the "Coast Guard Authorization Act of 2008." During numerous meetings and staff-level discussions over several months, we have described how a number of provisions that appear in this amendment would compromise organizational efficiency and operational effectiveness, diminish my command and control, and ultimately reduce the Coast Guard's effectiveness in carrying out its safety, security, and stewardship missions. We have expressed these and other concerns in Department of Homeland Security views letters concerning earlier bill language. The amendment also contains provisions neither previously shared nor discussed with the Coast Guard.

One provision requiring that the Coast Guard provide security around liquefied natural gas terminals and tankers is contrary to the existing assistance framework, at odds with accepted risk management practices, and would divert finite Coast Guard assets from other high-priority missions. I recommend a broader discussion of security measures for all extremely hazardous cargoes. In the Statement of Administration Policy on H.R. 2830, the Administration has stated that, if the bill is presented to the President with this provision, his senior advisors would recommend that he veto the bill.

Among the others is one that, while similar to the Administration's proposal, fails to authorize the President to appoint officers to positions of importance and responsibility to accommodate organizational change in the future (Admirals and Vice Admirals). Others, primarily involving our important marine safety mission, would statutorily fix the designation and duties of other senior Coast Guard officials and officials at all levels of command, and prescribe inflexible personnel qualification requirements. Still other provisions would diminish the Coast Guard's capacity to adjudicate merchant mariner licensing matters efficiently and effectively and support other vital security adjudications of the Department of Homeland Security (Appeals to National Transportation Safety Board). Still more provisions would prescribe contracting and acquisition practices for the Deepwater program, thereby increasing the cost of, and adding delay to, the Deepwater acquisition process, as well as circumventing the review and approval authority of Coast Guard technical authorities (Coast Guard Integrated Deepwater Program).

Among the new provisions is one that dramatically alters admission procedures for the U.S. Coast Guard Academy. While I have discussed Academy admissions several times with Chairman Cummings and we agree that our process should yield successful cadets and reflect our diverse society, the proposed Congressional nomination process deserves full discussion and deliberate consideration. Other new provisions that affect how we execute our missions deserve similar scrutiny. Conversely, the bill omits the Administration proposal for much needed enhanced authority to prosecute those who would smuggle undocumented aliens into the United States by sea (Maritime Alien Smuggling Law Enforcement Act) and the Administration's proposal to protect seafarers who participate in investigations and adjudication of environmental crimes or who have been abandoned in the United States (Protection of and fair treatment of seafarers).

Over the last year in the course of hearings, personal meetings with you, and regional forums with industry, as well as in my public statements, I have assured you and the public that we share a common objective: a robust marine safety program suited to meet the evolving demands of industry and the marine public. I am already taking aggressive steps to right the balance between our marine safety mission and our other vital responsibilities, and improve the effectiveness, consistency, and responsiveness of our marine safety program, consistent with the framework I presented to you last September. Legislation such as the provisions I describe above was unnecessary to start this process. As I have stated on several occasions, I am the Commandant and am accountable to you to produce the changes needed to improve program performance.

Including these provisions and others in an Authorization Act that would otherwise be welcome compels me to strongly oppose the bill.

Sincerely,

T.W. ALLEN,

Admiral, U.S. Coast Guard Commandant.

U.S. DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION,

Arlington, VA, April 22, 2008.

Hon. PETER T. KING,
Ranking Member, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CONGRESSMAN KING: I am writing to express the Transportation Security Administration's (TSA) strong opposition to Title X—Appeals to National Transportation Safety Board (NTSB) of the manager's amendment to H.R. 2830, the "Coast Guard Authorization Act of 2007." Title X would transfer Coast Guard Administrative Law Judge (ALJ) authority for review of merchant mariner documentation and 80 percent of the Coast Guard ALJ budget to the NTSB. This could have an adverse impact upon the adjudication of TSA's civil enforcement cases and anticipated cases dealing with the Transportation Worker Identification Credential (TWIC) program.

TSA questions whether sufficient legal, administrative, and budget resources will continue to be provided to the Coast Guard to support its remaining ALJ functions, including adjudication of TSA security cases.

For more than 5 years, TSA has been extremely well served by the Coast Guard ALJs as fair, impartial, and responsive adjudicators in security cases involving individuals in the transportation sector. Under an interagency agreement, Coast Guard ALJs play a major role in TSA's enforcement and security credentialing programs. They adjudicate aviation security civil penalty cases,

Hazardous Materials Endorsement (HME) and TWIC denials of requests for waivers and appeals from individuals who have received a Final Determination of Threat Assessment; appeals by air cargo workers who have received a Final Determination of Threat Assessment; and appeals by individuals holding or applying for Federal Aviation Administration certificates, ratings, or authorizations who have received a Final Determination of Threat Assessment.

In the absence of sufficient ALJ legal and administrative resources at the Coast Guard, TSA does not regard NTSB ALJs as a good alternative. Coast Guard ALJs have substantial expertise in fair adjudication of security programs. NTSB ALJs do not have expertise in transportation security matters. As TSA continually expands the implementation of the TWIC program and the Coast Guard enforces it at our Nation's seaports, TSA and TWIC applicants will benefit from the substantial experience Coast Guard ALJs have in the maritime security environment.

In addition, Coast Guard ALJs have been sensitive to the challenges faced by individuals representing themselves in a formal administrative process and have worked with TSA to develop simplified procedures.

TSA and Coast Guard have worked together for years to establish caseload management procedures, agreements, and funding processes to efficiently handle TSA cases. For example, the Coast Guard serves as TSA's Docketing Center for its formal hearing process. Shifting the workload to ALJs of another agency would create a huge setback for TSA enforcement and administration. ALJ coverage, budgeting, processing time, and even geographic availability would have to be reassessed and reestablished, a process that may take several years.

In addition, TSA's HME and TWIC are fee-based programs. TSA developed its fee models based on Coast Guard cost estimates and processing models. If conditions necessitate TSA's seeking ALJ services outside Coast Guard, this could affect program costs, and consequently, fees for applicants.

I would appreciate your consideration of TSA's concerns about the potential adverse impact of Title X on the efficient adjudication of important TSA security cases.

Identical letters have been sent to the Chairman of the House Homeland Security Committee as well as the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure. Please do not hesitate to contact Ms. Claire Heffernan, Acting Assistant Administrator for Legislative Affairs, at (571) 227-2717 if you have any questions about this matter.

Sincerely yours,

KIP HAWLEY,
Assistant Secretary.

I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 11 OFFERED BY MR. CUELLAR

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110-604.

Mr. CUELLAR. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 offered by Mr. CUELLAR:

Add at the end the following:

TITLE —ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. ____ MISSION REQUIREMENT ANALYSIS FOR NAVIGABLE PORTIONS OF THE RIO GRANDE RIVER, TEXAS, INTERNATIONAL WATER BOUNDARY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prepare a mission requirement analysis for the navigable portions of the Rio Grande River, Texas, international water boundary. The analysis shall take into account the Coast Guard's involvement on the Rio Grande River by assessing Coast Guard missions, assets, and personnel assigned along the Rio Grande River. The analysis shall also identify what would be needed for the Coast Guard to increase search and rescue operations, migrant interdiction operations, and drug interdiction operations.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Thank you, Madam Chair. I yield myself such time as I may consume.

First, I want to thank Chairman OBERSTAR and also Chairman CUMMINGS and the ranking member from Ohio for the work that they have done on this particular bill, and also, Chairman THOMPSON, from the Committee on Homeland Security, for the work that they did on this bill together.

I also understand, Madam Chair, that this amendment is acceptable both to the majority and the minority, and it's also bipartisan. I believe Congressman MCCAUL will be speaking on this amendment in a few minutes.

Madam Chair, today the U.S. House of Representatives has an opportunity to improve the important and critical mission of the United States Coast Guard. One of the Coast Guard's most important functions is providing safety and security in international waters. I was born in Laredo, Texas. Laredo is located on the international border between the United States and Mexico. Our border is divided by the international waters called the Rio Grande River.

There have been many efforts to improve security along the U.S.-Mexico border. Some of those partnerships between the local and Federal Government law enforcement agencies have proven to be beneficial. The border security responsibilities shared by law enforcement departments are complicated for the first responders from the local communities that are located on the international waters of the Rio Grande. The safety of the international boundary is a national security concern, as the level of violence in Mexico increases and spills across the border. Drugs, cash, and people continue to cross the border into the United States, despite our efforts.

I am consistently asked and contacted by local officials in my district who are asking for more support in

their border security effort, specifically for help in patrolling the international waters of the Rio Grande. Unfortunately, the local law enforcement agencies and the border patrol have limited resources for patrolling the international water boundary. As the Rio Grande represents over 1,200 miles of international border, I believe that it is time to address the critical need to provide security on the Rio Grande River and not just along the shores of the Rio Grande River.

My amendment would charge the U.S. Coast Guard to analyze what the current mission is along the international waters, including personnel and assets assessment. My amendment also asks the U.S. Coast Guard to identify what resources will be needed to increase the Coast Guard presence along the international boundary.

Madam Chair, there has been many discussions as to how to best secure the United States border along with Mexico. My amendment would simply allow us to consider the possibility of increasing the Coast Guard's presence in the area of unquestionable, the international waters of the Rio Grande River.

I reserve the balance of my time.

Mr. MCCAUL of Texas. Madam Chairman, I ask for unanimous consent to claim time, although I am not opposed to the amendment.

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

There was no objection.

Mr. MCCAUL of Texas. I rise in support of this amendment. I want to commend my colleague, Congressman CUELLAR, for bringing this amendment to the floor, and I am honored to support it. He has a great deal of expertise in this area. We have traveled to the border towns together, both on the United States side and in Mexico, and I met with law enforcement on both sides of the aisle and with government officials and we served on the United States-Mexico Interparliamentary Group. He understands the importance of security at the border, and particularly in the post 9/11 world.

Currently, there is little Coast Guard presence on international waterways shared with Mexico. This amendment would require the United States Coast Guard to provide an analysis of their mission strength for the navigable portions of the Rio Grande River in Texas. The amendment also asks the U.S. Coast Guard to identify what resources would be needed to increase the Coast Guard's presence along the international boundary of the Rio Grande River.

One of the Coast Guard's most important functions is providing safety and security in international waters, and the safety of the international border is a national security concern as the level of violence in Mexico increases and continues to spill across our border. Contraband and undocumented people continue to pass and cross the

border into the United States, despite our best efforts. This amendment may also pave the way for future studies assessing the need for Coast Guard presence in other areas of the United States where waterways are shared on the border of Mexico and with Canada.

So having said that, I want to thank my colleague, Mr. CUELLAR, for bringing this amendment, and I rise in support.

I yield to my colleague from Ohio.

Mr. LATOURETTE. I thank the gentleman for yielding.

We are not opposed to this amendment. We are willing to accept the amendment, which requires the Coast Guard to develop mission needs down on the Rio Grande. I want to congratulate Mr. CUELLAR and Mr. MCCAUL, who looks remarkably like Mr. FORTENBERRY, for bringing this amendment before the House. We accept it.

Mr. CUELLAR. I just want to thank again the Chairman, Mr. OBERSTAR; Mr. THOMPSON, Mr. CUMMINGS, the ranking member from Ohio, and of course the gentleman from Texas (Mr. MCCAUL).

I yield the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. KIRK

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110-604.

Mr. KIRK. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 12 offered by Mr. KIRK:

Page 184, line 22, after "subparagraph (A)" insert "or (B)."

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. I rise in strong support of the underlying legislation, which provides critical protection for our Nation's waterways. For the first time, this legislation requires ballast water treatment of ships entering the Great Lakes, which claim to have no ballast water on board. These ships were previously not subject to any exchange or treatment requirements, and that created a massive loophole through which invasive species were introduced in our precious Great Lakes. I am very happy that this provision, similar to one I authored with Mr. EMANUEL in H.R. 801, will close this dangerous and expensive loophole that, unfortunately, has so radically changed the Great Lakes environment.

However, there is another loophole which currently exists in the bill which could help spread endemic diseases affecting a myriad of Great Lakes fish.

Viral hemorrhagic septicemia, or VHS, is a highly contagious viral disease that caused a significant number of fish deaths in North America since its introduction just in 2005. This virus is only present in four of the five Great Lakes so far, and threatens to cost billions of dollars to the region in lost fishing and tourism revenue.

While the bill currently requires foreign ships to treat their ballast tanks in order to prevent new diseases from entering the Great Lakes, it exempts vessels from treating their ballast tanks when they operate exclusively inside the Great Lakes. This is a loophole which should be closed in the event of an emergency pathogen outbreak. While the Great Lakes ships do not introduce new pathogens into the lakes, they can fully transmit a disease from one lake to another. Currently, Lake Superior is not yet infected with VHS.

My amendment would close the loophole by providing the Secretary of Agriculture with the authority to request that Great Lakes vessels install ballast water treatment systems approved by the Coast Guard, should the Secretary deem it necessary in order to prevent the spread of an infectious disease from one Great Lake to another. The amendment is supported by the Healing Our Waters, Great Lakes Coalition.

I want to thank the chairman and ranking minority member, my colleague from Ohio, for working with me on this very important amendment. It's crucial that we provide the Department of Agriculture with the authority to prevent the spread of VHS to a lake like Lake Superior and to give them the authority to slow down or stop the spread of other infectious pathogens. We must provide officials with all the necessary tools that they need to protect this critical ecosystem, the crown jewel of the Midwest environment.

I reserve the balance of my time.

□ 1330

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim the time in opposition, though I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Madam Chairman, I want to thank the distinguished gentleman from Illinois (Mr. KIRK) for offering this amendment. It does indeed correct a technical mistake and oversight in drafting the bill. There should have been a cross-reference as we inserted one provision in the bill so that the interlake transfer of ballast water would have been covered. Unfortunately, it was an oversight that the legislative counsel did not catch in time, and our committee staff found it after the manager's amendment had been already presented. So through the vigilance of the gentleman from Illinois and his concern for interlake transfer, we certainly accept this provision.

I am very happy to report that not only did we deal with invasive species in the WRDA bill, but also in this Coast Guard bill. It is the first time we have enforcement language on invasive species and interlake transfer. As the gentleman from Michigan (Mr. EHLERS) said earlier today, this is a bad day for invasive species. This is another bad moment for invasive species.

I also want to mention that either next week or the following week I have a meeting, the subject of which I have already discussed with Mr. LATOURETTE, with one of our major interlake shipping companies and other entities to put in place this shipping season a control pilot program for ballast water for lakers. The lakers present a more complicated challenge on ballast water exchange because they have four or five times as many ballast chambers as do the salties coming into the Great Lakes, and dealing with the volume of water and the number of ballast chambers and the treatment technology, it becomes much more complicated for interlake shipping.

We are going to address that this summer. We are going to put in place a pilot program and explore all of the treatment methodologies and equipment and chemicals and how to treat those chemicals before they are again discharged back into the waters of the Great Lakes. And the viral hemorrhagic septicemia issue is chief among those. I think science still doesn't know how to address it. But it and other such assaults upon this one-fifth of all the fresh water upon the face of the Earth is vital. We make an assault upon it in this legislation, and we are determined to follow it through.

I thank the gentleman for his amendment.

I yield to the gentleman from Ohio.

Mr. LATOURETTE. I thank the chairman for yielding.

Madam Chairman, we wholeheartedly support this amendment and congratulate the gentleman from Illinois (Mr. KIRK) for his catch and for his unwavering diligence and vigilance on Great Lakes water quality issues. Those of us that have the pleasure to represent districts that are near or about the Great Lakes know the damage that has been done by invasive species, both plants, animals and pathogens. The gentleman's amendment improves upon our bill.

As I said before during general debate, I am so proud of this committee's work on this ballast water exchange program. It really is a shining example of how Members of both parties can come together and do the right thing and the noble thing, and that, of course, all begins at the top with Chairman OBERSTAR's leadership.

Mr. OBERSTAR. Madam Chairman, I yield to the chairman of the subcommittee.

Mr. CUMMINGS. I want to thank the gentleman for the amendment. Without a doubt, it makes the bill better. I too am very proud of what we have

been able to accomplish with regard to ballast water. We have a duty to protect our environment, and this goes a long ways towards it.

Mr. OBERSTAR. Again, it is not just the Great Lakes, it's the saltwater ports as well. Our colleagues on the west coast for many years, I remember in the seventies and eighties, were saying, what are you worried about invasive species for? Then curious creatures began to appear in the waters of the ports on the west coast from ballast water discharged in those ports from vessels leaving the Pacific Rim, from Japan to Korea to the South China Sea. So this is a unified effort here.

Mr. KIRK. Madam Chairman, just to conclude, the West has the Grand Canyon as its crown jewel of the environment. Florida has the Everglades. But for us in the Midwest, it is the Great Lakes.

We have seen a failure to properly manage shipping in the past introduce a number of alien species. Our environment has suffered from the introduction of the lamprey eel, the rock goby, the fishhook flea, and now viral hemorrhagic septicemia. This legislation is essential to slow down the assault on the Great Lakes with these new species introduced into our critical ecosystem.

I want to thank my colleagues from Minnesota and from Ohio for joining together with this critical legislation, and urge adoption of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 110-604.

AMENDMENT NO. 14 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 110-604.

Ms. JACKSON-LEE of Texas. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 14 offered by Ms. JACKSON-LEE of Texas:

At the end of title VII add the following new section:

SEC. ____ . ASSESSMENT OF TRANSPORTATION SECURITY CARD ENROLLMENT SITES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prepare an assessment of the enrollment sites for transportation security cards issued under section 70105 of title 46, United States Code, including—

(1) the feasibility of keeping those enrollment sites open 24 hours per day, and 7 days per week, in order to better handle the large number of applications for such cards;

(2) the feasibility of keeping those enrollment sites open after September 25, 2008;

(3) the quality of customer service, including the periods of time individuals are kept

on hold on the telephone, whether appointments are kept, and processing times for applications.

(b) TIMELINES AND BENCHMARKS.—The Secretary shall develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, as I indicated in the general debate, this is an exercise in unity as relates to the safety and security of the Nation and, of course, the reauthorization and the emphasis of the specialness of the Coast Guard. I am delighted to come from the fourth largest city in the Nation and to have a very large port that benefits from the outstanding service of the U.S. Coast Guard.

I want to thank Chairman OBERSTAR for not only his eloquence, but his long-standing history and knowledge of what we needed to do in this Congress, the chairman of the subcommittee, Mr. CUMMINGS, and as well the distinguished, as they all are distinguished, ranking member of the full committee, the distinguished gentleman from Ohio, working on this along with my full committee chair, Mr. THOMPSON. I serve as the Subcommittee Chair on Transportation, Security, and Infrastructure Protection. We have had a number of opportunities to work together. So we are filled with tasks, and those tasks must be addressed.

I rise in support of the legislation. My amendment is a simple but important addition to this vital legislation, which I believe can be supported by every Member of the House.

My amendment calls for the Secretary of Homeland Security to prepare an assessment of the enrollment site for the Transportation Worker Identification Credential, TWIC, which we have heard so much about. These cards are issued under section 70105 of Title 46 USC within 30 days of the enactment of this act.

The assessment should at a minimum examine the feasibility of keeping those enrollment sites open 24 hours per day, 7 days per week, in order to better handle the large number of applicants for such cards, the feasibility of keeping those enrollment sites open after September 25, 2008, and the quality of customer service, including the periods of time individuals are kept on hold on the telephone, appointments are kept, and processing times for applications. We are here to help.

In our committee, we have heard over and over again, everyone is trying to meet the deadline. DHS, the Department of Homeland Security, has a deadline. We believe as Members of Congress they should have a deadline to secure America, but we must make sure that the deadline is realistic in

light of the resources and the tools that they have to comply.

Madam Chairman, I continue to receive firsthand accounts from my constituents in and around the Nation that deal with the question of transportation workers and operators who are frustrated because of sometimes the unsatisfactory performance of TWIC enrollment sites.

I have spoken with a multitude of people from throughout the country who have shared with me the great difficulty they experience due to administrative obstacles obtaining their TWIC cards. These obstacles include the lack of enrollment sites or the difficulty in getting to the enrollment sites, making appointments at enrollment sites which are not kept, long processing lines for applications, and staying on hold for hours on the telephone. While we have made securing our Nation a priority, we must ensure we do so in the most productive way.

Let me just briefly say what we have seen from the State of Texas and around the Nation. For example, a marine worker at the Houston Port enrolled on December 13, 2007, at the Houston center. To this date, he does not have a card. He remained on hold for 4 hours and 10 minutes and was finally told by the operator that he would have to return to Houston to be fingerprinted again after April. Incidentally, a representative of the Higman Marine Services asked the same question about the employee. That person was told that they should not return until June.

These inconsistencies in service and information are not helping us get our TWIC cards to those individuals, hard-working Americans who need to have a job and a TWIC card to work.

Furthermore, another transportation worker went to the Beaumont center about 3 weeks ago to pick up his TWIC after being notified it was ready. He traveled from a place in Texas. He was told that the card was accidentally shipped to Houston and he could drive 85 miles to pick it up. He presently does not have a card, and therefore he is not able to move forward. The list of incidents go on.

My amendment calls for the Secretary to assess within a month of the enactment these TWIC enrollment sites to determine the feasibility of having them open at times when transportation workers can come and improve the quality of processing procedures. Furthermore, my amendment calls on the Secretary to develop timelines and benchmarks on their assessment. Finally, it calls for them to implement any changes necessary, including keeping it open 24 hours a day, keeping it open 7 days a week, but really at the assessment of the Department of Homeland Security.

Workers are trying to do what they are supposed to do. We have to do what we have to do. I believe this amendment will help do it better, and I believe it is part of the security fabric,

and I hope that we will pass this amendment.

Thank you, Madam Chairman, for affording me this opportunity to address the Members of the House of Representatives and explain my amendment to H.R. 2830, the "Coast Guard Authorization Act of 2007." My amendment is a simple but important addition to this important legislation, which I believe can be supported by every Member of this House.

My amendment calls for the Secretary of Homeland Security to prepare an assessment of the enrollment sites for Transportation Worker Identification Credential, TWIC, cards issued under section 70105 of title 46, United States Code, within 30 days of the enactment of this Act. This assessment should, at a minimum, examine: the feasibility of keeping those enrollment sites open 24 hours per day, and 7 days per week, in order to better handle the large number of applicants for such cards; the feasibility of keeping those enrollment sites open after September 25, 2008; and the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

Madam Chairman, I continue to receive firsthand accounts from my constituents in Houston and from other transportation workers and operators around the country regarding their frustrations and the unsatisfactory performance of TWIC enrollment sites. I have spoken with a multitude of people from throughout the country who have shared with me the great difficulties they experienced due to administrative obstacles in obtaining their TWIC cards. These obstacles include the difficulty of going to enrollment sites, making appointments at enrollment sites which are not kept, long processing times for applications, and staying on hold for hours on the telephone. While we have made securing our Nation a priority, we must ensure that we do so in the most effective and efficient way possible.

I would like to reiterate only a few of the obstacles that workers have faced in my State of Texas as well in my district of Houston. For example, a marine worker enrolled at the Houston Port enrolled on December 13, 2007. To this date, he still does not yet have a TWIC card. He remained on hold for 4 hours and 10 minutes and was finally told by the operator that he would have to return to Houston to be fingerprinted again after APR. Incidentally, a representative of Higman Marine Services, Inc., asked the same question about their employee, and she was told that he should not return until June. This blatant inconsistency in service and information is simply unacceptable. Furthermore, another transportation worker went to the Beaumont center about 3 weeks ago to pick up his TWIC after being notified it was ready. He traveled from Hemphill, TX (117 miles) and was told that the card was accidentally shipped to Houston and he could drive there (85 miles) to pick it up. He presently does not have his card. The list of incidences in which workers have to continually overcome structural impediments is too long for me to name. It is from my concern for these workers that I have introduced my amendment.

That is why my amendment calls for the Secretary of Homeland Security to assess, within a month of this Act's enactment, these TWIC enrollment sites to determine the feasibility of having them open at times where

transportation workers can come and to improve the quality of their processing procedures. Furthermore, my amendment calls on the Secretary of Homeland Security to develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary. By identifying the areas in which enrollment sites for homeland security cards are ineffective and inefficient and creating a timeline through which to implement necessary changes and benchmarks to ensure their progress and accountability, we will make this nation a safer place—accessible to labor and operators alike.

In short, Madam Chairman, my amendment can be summed up as follows: for those who have confidence in how these TWIC enrollment sites are administering this program, my amendment offers vindication. For those who are skeptical and have seen firsthand the problems apparent at these enrollment sites, my amendment will provide the information necessary to rectify the causes for their frustrations and a way forward to ensure that the results of this assessment are actually implemented.

Mr. LATOURETTE. Madam Chairman, I ask unanimous consent to control the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. LATOURETTE. Madam Chairman, I want to congratulate the gentlewoman from Texas (Ms. JACKSON-LEE) for her thoughtful amendment. We are willing to accept her amendment, which will require the Department of Homeland Security to assess measures that may encourage maritime workers to accelerate application rates for the TWIC card. We all know a deadline is looming.

The only observation I would make so that no one is under a misapprehension, nobody has been prevented from working yet, because the TWIC requirements don't go into effect until September. But we support the gentlewoman's amendment. We think it is a thoughtful amendment.

I would be happy to yield to the chairman of the full committee for his thoughts.

Mr. OBERSTAR. I thank the gentleman for yielding and the gentlewoman for offering the amendment and her deep concern, which we share on the committee, for those maritime workers.

Madam Chairman, 230,000 applied and 64,000 have actually received their cards. There is a bottleneck at TSA principally in printing out those cards, and the amendment just provides a margin of safety and a time to accomplish the objective.

I thank the gentleman for yielding.

Mr. LATOURETTE. I am happy to yield to the chairman of the subcommittee for his observations.

Mr. CUMMINGS. I thank the gentleman for yielding. We have convened two hearings, Madam Chairman, in the Coast Guard Subcommittee on the

TWIC card. Our most recent hearing was held in January after the enrollment process had been underway for a few months.

During that hearing, we heard about some of the glitches that individuals attempting to enroll have encountered. Such glitches are unacceptable when workers must pay \$132.50 and take time off from work to obtain a card that they are required to have to do their job and to provide for their families.

TWIC is an essential part of our post-security regime and is intended to ensure that those who pose a threat to our maritime infrastructure do not gain access to the secure areas of vessels or port facilities.

□ 1345

However, enrollment must be conducted as seamlessly as possible to cause the least burden to those workers. And I want to thank Ms. JACKSON-LEE for her amendment. It helps to make our bill a better bill.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. LATOURETTE. It is my understanding that the gentlelady's time has expired. I learned the hard way today that I don't have the right to close. But I would be happy to yield the balance of our time to the sponsor of the legislation, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I just want to thank all of you, and I believe that this is the right step. The action item is that they should implement the process of their study to make it work for our various mariners so that they can be part of the security of America. I ask my colleagues to support the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110-604.

Mr. STUPAK. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 15 offered by Mr. STUPAK:

At the end of title IV add the following new section:

SEC. ____ LAND CONVEYANCE, COAST GUARD PROPERTY IN MARQUETTE COUNTY, MICHIGAN, TO THE CITY OF MARQUETTE, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—The Commandant of the Coast Guard may convey, without consideration, to the City of Marquette, Michigan (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, located in Marquette County, Michigan, that is under the administrative control of the Coast Guard, consists of approximately 5.5 acres, and is commonly identified as Coast Guard Station Marquette and Lighthouse Point.

(b) **RETENTION OF CERTAIN EASEMENTS.**—In conveying the property under subsection (a), the Commandant of the Coast Guard may retain such easements over the property as the Commandant considers appropriate for access to aids to navigation.

(c) **LIMITATIONS.**—The property to be conveyed by subsection (a) may not be conveyed under that subsection until—

(1) the Coast Guard has relocated Coast Guard Station Marquette to a newly constructed station;

(2) any environmental remediation required under Federal law with respect to the property has been completed;

(3) the Commandant of the Coast Guard determines that retention of the property by the United States is not required to carry out Coast Guard missions or functions.

(d) **CONDITIONS OF TRANSFER.**—All conditions placed within the deed of title of the property to be conveyed under subsection (a) shall be construed as covenants running with the land.

(e) **INAPPLICABILITY OF SCREENING OR OTHER REQUIREMENTS.**—The conveyance of property authorized by subsection (a) shall be made without regard to the following:

(1) Section 2696 of title 10, United States Code.

(2) Chapter 5 of title 40, United States Code.

(3) Any other provision of law relating to the screening, evaluation, or administration of excess or surplus Federal property prior to conveyance by the Administrator of General Services.

(f) **EXPIRATION OF AUTHORITY.**—The authority in subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

(g) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard. The cost of the survey shall be borne by the United States.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

The Acting CHAIRMAN. Pursuant to House Resolution 1126, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Madam Chairman, my amendment will facilitate a simple land transfer between the U.S. Coast Guard and the city of Marquette, Michigan.

The Coast Guard is currently located at the Coast Guard Station Marquette and Lighthouse Point in Marquette County on nine acres of land east of the Marquette Maritime Museum. This facility was originally constructed in 1891, and is the oldest of all U.S. Coast Guard lifesaving facilities in the Nation.

The Coast Guard is in the process of relocating to a new location just south of the Marquette Maritime Museum. This location will bring the Coast Guard closer to where their boats are docked and will help the Coast Guard respond to emergencies more quickly.

The City of Marquette sold this property for the new facility, 1.5 acres on

the waterfront, to the Coast Guard for \$1. In addition, the City of Marquette has committed \$170,000 to reroute bike trails, make roadway improvements and other necessary infrastructure improvements in order to prepare the property for the new Coast Guard facility.

On April 7, 2008, the City of Marquette signed the official documents to turn over the City property to the Coast Guard. Upon moving to this new property, the Coast Guard will vacate their existing location.

My amendment will convey the property of the old Coast Guard facility to the City of Marquette. This is a straightforward amendment. The Coast Guard supports the conveyance of the existing property to the City. The City of Marquette is also in support of the land transfer, which would assist in accomplishing the goals outlined in the City's strategic Harbor Master Plan.

The Coast Guard Station in Marquette plays a vital role in responding to emergencies in the City of Marquette, the surrounding area, and on Lake Superior. This land transfer will facilitate a continued Coast Guard presence within the Marquette area. Without a well-equipped and state-of-the-art Coast Guard Station in Marquette, there would be virtually no presence of the Coast Guard between Sault Ste. Marie and Houghton, Michigan, which represents a stretch of at least 300 miles of shoreline on Lake Superior. This is a win-win for the Coast Guard and the City of Marquette.

I urge my colleagues to join me in voting for this amendment, and I encourage members to vote for final passage of the Coast Guard Authorization Act.

Vote "yes" on the Stupak amendment.

I reserve the balance of my time.

Mr. OBERSTAR. I ask unanimous consent to claim time in opposition to the amendment, though I do not oppose it.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. The amendment is very limited in nature, very specific, to deal with the transfer of property that will not take place until the Coast Guard has relocated the station at facilities that are yet to be built. It will also not take place until environmental cleanup has occurred on the existing site. And that is important. The commandant has determined that retention of property is not required to carry out any other Coast Guard mission. So protection for the Coast Guard, protection for the City and the cleanup provisions, and it is a very beneficial amendment.

I want to address another matter, the concern of the gentleman from Michigan about the transfer of excess property to the Christian Cornerstone Academy, a land transfer that is supported by the Coast Guard, by the

Academy, and the community of Sheboygan. We had already filed the manager's amendment at the time that this issue came to the attention of the gentleman from Michigan, and it was not possible to include that in the manager's amendment nor in the amendments considered by the Rules Committee.

But I do want to assure the gentleman that we will work to accomplish the purposes of this land transfer as we get into conference with the other body. Or, should such language be included by the other body in their version of the Coast Guard, which is now working its way to the floor of the other body, that we should expect to meet in conference and recognize the special needs in this matter. The Coast Guard executed a 10-year, no cost lease for the construction of the Cornerstone Christian Academy in Sheboygan. The lease has been renegotiated to fair market value. The Coast Guard has deemed 6 acres of the property as excess, if I have described the matter rightly.

I yield to the gentleman from Michigan.

Mr. STUPAK. I thank the distinguished chairman.

The gentleman is correct, not only on Marquette but on the Christian Cornerstone Academy. We have been working to transfer this excess land. It would have been a straightforward transfer and supported by the Coast Guard to Christian Cornerstone Academy in the Sheboygan community.

I appreciate the chairman's willingness to work with us to have this inserted either at the Senate level or in conference. And, as always, I appreciate the gentleman's knowledge and wisdom on Coast Guard and Great Lakes issues, and look forward to continuing to work with him on this and thank him for his courtesies on this amendment.

Mr. OBERSTAR. I yield to the distinguished ranking member of the subcommittee.

Mr. LATOURETTE. I thank the chairman for yielding.

We are also willing to accept the gentleman from Michigan's amendment, which authorizes the conveyance of property and the light station to Marquette, Michigan. This provision follows the standard language that has been used by the committee in other light station conveyances in previous years.

I would just note, I know the chairman of the full committee represents very hearty folk. When he came to Akron and said that it was 41 below, I think, at International Falls, I also know the gentleman from Michigan, having gone to school in Michigan representing the UP, represents very hearty folk. And so I hope we not only give them what he wants in Marquette, but Sheboygan as well, because they deserve it because it is really cold.

Mr. OBERSTAR. I yield to the Chair of the subcommittee, Mr. CUMMINGS.

Mr. CUMMINGS. I heartily support the amendment of Mr. STUPAK.

The amount of land being conveyed here under this amendment is only 5.5 acres, and I believe it is appropriate that once the Coast Guard leaves this site, the land and the lighthouse be made available to a local municipality that can preserve these resources and utilize them for the public purpose.

Mr. OBERSTAR. Madam Chairman, I yield back the balance of my time.

Mr. STUPAK. Madam Chairman, I yield myself the balance of my time.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 3 minutes.

Mr. STUPAK. I thank the gentleman from Minnesota for his work to craft the Coast Guard Authorization Act, and for recognizing the need for a Coast Guard presence on the Great Lakes.

The Coast Guard Cutter ACACIA was decommissioned on June 7, 2006, after over 60 years of service to this country. The ACACIA has been stationed in Charlevoix, Michigan since 1990.

The ACACIA provided essential navigational and search and rescue services in the northern Great Lakes. This work is important for the safety as well as for businesses and individuals that rely on the Great Lakes. This year's cold winter showcased the need for a cutter presence when Beaver Island once again had to make an emergency call to the Coast Guard to break ice for a shipment of fuel for the island. This, unfortunately, is a common occurrence during the cold winter months, and this winter was exceptionally long and cold.

It is important that this new Coast Guard cutter or similar asset be stationed in Charlevoix. To facilitate this, I worked closely with the chairman to include language in the Coast Guard Authorization Act 2006 to require the Coast Guard Station to sustain icebreaking vessel capabilities in the Great Lakes. Unfortunately, the Coast Guard has ignored congressional intent.

I appreciate the chairman's support in our efforts, and I look forward to working with the chairman and ranking member, and the chair of the Coast Guard subcommittee, to ensure that the Coast Guard honors congressional intent and provides adequate icebreaking services in the Northern Great Lakes.

I yield to the chairman for comment.

Mr. OBERSTAR. I share the gentleman's concern for adequate icebreaking capability on the Great Lakes. We have the new icebreaker Mackinaw. The Coast Guard has smaller harbor icebreakers. But they simply are not sufficient to keep channels open. This past shipping season, the Coast Guard failed to send the Mackinaw upstream, up lake, to keep channels open for shipping of iron ore to lower lake steel mills.

I assure the gentleman, I will work diligently with the Coast Guard to

keep their attention focused on our needs for icebreaking capability on the Great Lakes. On the Chesapeake Bay, I said to the chairman of the subcommittee, you don't have that problem. It doesn't freeze over.

Mr. STUPAK. I thank the gentleman for his words. I thank the work from the chairman on all Coast Guard and Great Lakes issues. I thank Mr. CUMMINGS and Mr. LATOURETTE for their help and support.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 110-604 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. POE of Texas.

Amendment No. 5 by Mr. MCNERNEY of California.

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. 4 OFFERED BY POE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 408, noes 1, not voting 27, as follows:

[Roll No. 220]

AYES—408

Abercrombie	Blumenauer	Capito	Crowley	Jackson-Lee	Obey
Ackerman	Blunt	Capps	Cubin	(TX)	Olver
Aderholt	Boehner	Capuano	Cuellar	Jefferson	Ortiz
Akin	Bonner	Cardoza	Culberson	Johnson (GA)	Pallone
Allen	Bono Mack	Carnahan	Cummings	Johnson (IL)	Pastor
Altmire	Boozman	Carney	Davis (AL)	Johnson, E. B.	Payne
Arcuri	Bordallo	Carson	Davis (CA)	Johnson, Sam	Pearce
Baca	Boren	Carter	Davis (IL)	Jones (NC)	Pence
Bachmann	Boswell	Castle	Davis (KY)	Jones (OH)	Perlmutter
Bachus	Boucher	Castor	Davis, David	Jordan	Peterson (MN)
Baird	Boustany	Chabot	Davis, Lincoln	Kagen	Peterson (PA)
Baldwin	Boyd (FL)	Chandler	Davis, Tom	Kanjorski	Petri
Barrett (SC)	Boyd (KS)	Christensen	Deal (GA)	Kaptur	Pickering
Barrow	Brady (PA)	Clarke	DeFazio	Keller	Pitts
Bartlett (MD)	Brady (TX)	Clay	DeGette	Kennedy	Platts
Barton (TX)	Braley (IA)	Cleaver	DeLauro	Kildee	Poe
Bean	Brown (GA)	Clyburn	Dent	Kilpatrick	Pomeroy
Becerra	Brown (SC)	Coble	Diaz-Balart, M.	King (IA)	Price (GA)
Berkley	Brown, Corrine	Cohen	Dicks	King (NY)	Price (NC)
Berman	Buchanan	Cole (OK)	Dingell	Kingston	Putnam
Berry	Burton (IN)	Conaway	Donnelly	Kirk	Radanovich
Biggart	Butterfield	Conyers	Doolittle	Klein (FL)	Rahall
Bilbray	Buyer	Cooper	Doyle	Kline (MN)	Ramstad
Bilirakis	Calvert	Costa	Drake	Knollenberg	Rangel
Bishop (GA)	Camp (MI)	Costello	Dreier	Kucinich	Regula
Bishop (NY)	Cannon	Courtney	Duncan	Kuhl (NY)	Rehberg
Bishop (UT)	Cantor	Crenshaw	Edwards	Lamborn	Reichert
			Ehlers	Lampson	Renzi
			Ellison	Langevin	Reyes
			Ellsworth	Larsen (WA)	Reynolds
			Emanuel	Larson (CT)	Richardson
			Emerson	Latham	Rodriguez
			Engel	LaTourette	Rogers (AL)
			English (PA)	Latta	Rogers (KY)
			Eshoo	Lee	Rogers (MI)
			Etheridge	Levin	Rohrabacher
			Fallin	Lewis (CA)	Roh-Lehtinen
			Farr	Lewis (GA)	Roskam
			Fattah	Lewis (KY)	Ross
			Ferguson	Linder	Rothman
			Filner	Lipinski	Roybal-Allard
			Flake	LoBiondo	Royce
			Forbes	Loeb sack	Ruppersberger
			Fortenberry	Lofgren, Zoe	Ryan (OH)
			Fortuño	Lowey	Salazar
			Fossella	Lucas	Sali
			Foster	Lynch	Sanchez, Linda
			Fox	Mack	T.
			Frank (MA)	Mahoney (FL)	Sanchez, Loretta
			Franks (AZ)	Maloney (NY)	Sarbanes
			Frelinghuysen	Manzullo	Saxton
			Gallely	Marchant	Schakowsky
			Garrett (NJ)	Markey	Schiff
			Gerlach	Marshall	Schmidt
			Giffords	Matheson	Schwartz
			Gilchrest	Matsui	Scott (GA)
			Gillibrand	McCarthy (CA)	Scott (VA)
			Gingrey	McCarthy (NY)	Sensenbrenner
			Gohmert	McCaul (TX)	Serrano
			Gonzalez	McCollum (MN)	Sessions
			Goode	McCotter	Sestak
			Goodlatte	McDermott	Shadegg
			Gordon	McGovern	Shays
			Granger	McHenry	Shea-Porter
			Graves	McHugh	Sherman
			Green, Al	McIntyre	Shimkus
			Green, Gene	McKeon	Shuler
			Grijalva	McMorris	Shuster
			Gutierrez	Rodgers	Simpson
			Hall (NY)	McNerney	Sires
			Hall (TX)	McNulty	Skelton
			Hare	Meek (FL)	Slaughter
			Harman	Meeks (NY)	Smith (NE)
			Hastings (FL)	Melancon	Smith (NJ)
			Hastings (WA)	Mica	Smith (TX)
			Hayes	Michaud	Smith (WA)
			Heller	Miller (FL)	Snyder
			Hensarling	Miller (MI)	Solis
			Hergert	Miller (NC)	Souder
			Herseth Sandlin	Miller, Gary	Space
			Hill	Miller, George	Speier
			Hinchey	Mitchell	Spratt
			Hinojosa	Mollohan	Stark
			Hirono	Moore (KS)	Stearns
			Hobson	Moore (WI)	Stupak
			Hodes	Moran (KS)	Sullivan
			Hoekstra	Moran (VA)	Sutton
			Holden	Murphy (CT)	Tancredo
			Holt	Murphy, Patrick	Tanner
			Honda	Murphy, Tim	Tauscher
			Hooley	Murtha	Taylor
			Hoyer	Musgrave	Terry
			Hunter	Myrick	Thompson (CA)
			Inglis (SC)	Napolitano	Thompson (MS)
			Inslee	Neal (GA)	Thornberry
			Israel	Neugebauer	Tiahrt
			Issa	Norton	Tiberi
			Jackson (IL)	Nunes	Tierney
				Oberstar	Towns

Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp

Wasserman
Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield (KY)
Wilson (NM)

Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks

Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston

Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe

Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt

NOT VOTING—28

Alexander
Andrews
Blackburn
Blumenauer
Brown-Waite,
Ginny
Burgess
Campbell (CA)
Cramer
Doggett

□ 1430

So the amendment was agreed to.
The result of the vote was announced as above recorded.

Stated for:
Mr. LOEBACK. Mr. Chairman, on rollcall vote 221, I was unavoidably detained. Had I been present, I would have voted “aye.”

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. JACKSON of Illinois, Acting Chairman 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. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, pursuant to House Resolution 1126, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.
The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CHABOT
Mr. CHABOT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CHABOT. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Chabot moves to recommit the bill H.R. 2830 to the Committee on Transportation and Infrastructure with instructions

NOES—1

Paul

NOT VOTING—27

Alexander
Andrews
Blackburn
Brown-Waite,
Ginny
Burgess
Campbell (CA)
Cramer
Diaz-Balart, L.
Doggett

Everett
Faleomavaega
Feeney
Higgins
Hulshof
Kind
LaHood
Lungren, Daniel
E.
McCrery

Nadler
Pascarell
Porter
Pryce (OH)
Rush
Ryan (WI)
Udall (NM)
Waxman
Weller

Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxy

Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)

Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)

Everett
Faleomavaega
Feeney
Higgins
Hulshof
Ginny
Loebach
Marshall
Nadler
Pascarell

□ 1421

Messrs. MILLER of North Carolina and ISSA 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. 5 OFFERED BY MR. MCNERNEY

The Acting CHAIRMAN (Mr. JACKSON of Illinois). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCNERNEY) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 408, noes 0, not voting 28, as follows:

[Roll No. 221]

AYES—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner

Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson

Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David

Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Hergert
Herseeth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inlee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)

Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Muggrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Oliver
Ortiz
Pallone
Pastor
Paul
Payne

Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt

NOT VOTING—28

Alexander
Andrews
Blackburn
Blumenauer
Brown-Waite,
Ginny
Burgess
Campbell (CA)
Cramer
Doggett

□ 1430

So the amendment was agreed to.
The result of the vote was announced as above recorded.

Stated for:
Mr. LOEBACK. Mr. Chairman, on rollcall vote 221, I was unavoidably detained. Had I been present, I would have voted “aye.”

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. JACKSON of Illinois, Acting Chairman 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. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, pursuant to House Resolution 1126, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.
The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CHABOT
Mr. CHABOT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CHABOT. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Chabot moves to recommit the bill H.R. 2830 to the Committee on Transportation and Infrastructure with instructions

to report the same back to the House forthwith with the following amendment:

At the end of title IV add the following:

SEC. __. EXTENSION OF EXEMPTION.

Section 3503(a) of title 46, United States Code, is amended by striking "2008" and inserting "2018".

Mr. CHABOT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

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

Mr. OBERSTAR. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Mr. Speaker, this motion is really quite simple. It continues the will of Congress, a will dating as far back as 1968 to allow the *Delta Queen* to operate within the inland waters of the United States. It's an exemption that's been granted by Congress on a number of occasions, eight times to be exact, most recently in 1996. However, unless it is renewed this year, this national treasure will be forced ashore unnecessarily. And unfortunately, an important chapter in our Nation's history will close.

For those who may be unfamiliar with the *Delta Queen*, and this is her right here, and its significance to this Nation, let me give you a brief history of what the *Delta Queen* is and is not. The *Delta Queen* is a symbol of our Nation's past serving as the last overnight operational steam paddle wheeler. She represents where we started as a Nation and our trials and tribulations and our progress over the years.

The *Delta Queen* is a registered national historic landmark and is a member of the National Maritime Hall of Fame. She is part of the greatest generation, honorably serving our country during World War II, first as a Navy barracks and later transporting servicemen to and from the Navy shipyards docked in the San Francisco harbor.

The *Delta Queen* provides jobs to American families and is a critical source of revenue for local communities, opening up towns and communities located along the Ohio, Missouri, and Mississippi Rivers such as Ashland, Kentucky; Gallipolis, Ohio; and Clarksville, Indiana, to tourists and allowing mom-and-pop businesses to flourish.

Contrary to what some opponents to this motion would have you believe, the *Delta Queen* is not a safety risk. In fact, the *Delta Queen* is inspected by the United States Coast Guard more than six times a year and has operated since 1968 without significant incident.

Indeed, when Congress first created the inland water exemption from fire retardant regulation, it recognized that vessels such as the *Delta Queen* would never be more than a short distance from shore, circumstances much different than ocean liners and other vessels that traverse the oceans.

House Report 93-289 indicates that an inclusion of this was inadvertent. That's why Congress has granted this exception eight times since 1968. Eight times. Moreover, despite its exemption, the *Delta Queen* has, and continues to operate, in accordance with the safety notification requirements set forth in section 3503(b) of the United States Code and the Coast Guard.

In addition, the *Delta Queen* has gone above and beyond these requirements, installing state-of-the-art fire and smoke detection and sprinkler systems, as well as mandating fire training for its crew, all of which have been approved by the Coast Guard. Every single stateroom on there has sprinklers within it. In fact, just last month, the owners of the *Delta Queen* replaced the vessel's boiler at the request of the Coast Guard. And just last month, the *Delta Queen* was most recently inspected by the Coast Guard and was given a clean bill of health.

Mr. Speaker, I don't understand why continuing the *Delta Queen's* current exemption for an additional 10 years has generated such opposition. In fact, last session, this body unanimously supported this exemption, passing it by a voice vote. Just last year we did this exact thing that I am asking to be done today. Unfortunately, it was stalled over in the Senate.

I can only conclude that the opposition that we're seeing is not really about the *Delta Queen*. It's really about a labor dispute. If this is true, why should the American people be victims, losing access to this national landmark? Why should American jobs be lost? Why should local businesses be literally ruined all because of a labor dispute? I hope that unions do not have that type of influence here in Washington or here in this Congress.

Let's put all of the politics aside and do the right thing here, and I urge my colleagues to stand up for the *Delta Queen* right here. 1926, no major incidence since that entire time. And there is no reason why we shouldn't save this historic ship here. Keep part of our history alive here by supporting this motion. This really ought to be bipartisan, and I urge you to support this motion to recommit.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, I enormously respect the distinguished and amiable gentleman from Ohio, the weight-lifting champ of the House gym. When he walks on the floor, the weights quiver and shake in awe of his appearance.

He has been an advocate for the *Delta Queen* even back to last fall when I was in the Bethesda Naval Hospital for an operation to correct a long-standing injury to my neck. He sent a sheet cake with the *Delta Queen* emblazoned upon it to remind me of his diligence and of his enthusiasm for the *Delta Queen*. I

could only eat one slice of it, but I assured him that the staff at the hospital, who had no idea what the *Delta Queen* was all about, appreciated this sheet cake from the very distinguished and caring gentleman from the State of Ohio.

But labor has nothing to do with this issue. I haven't heard from a single person in any labor union about this matter.

The *Delta Queen* was built in 1926 and carried 174 passengers, 88 state rooms. It has extensive wood superstructure. It has extensive wood interior and furniture, and for those reasons, the Coast Guard will not certify this vessel. Opposition is clear. The combustible construction of the vessel presents an unacceptable fire risk that cannot be mitigated by the addition of fire-suppression measures, says the Coast Guard.

As such, the Coast Guard's position remains unchanged. The *Delta Queen* should be prohibited from operating with overnight passengers.

Since May 28, 1936, the United States has required that passenger vessels be constructed essentially of fire retardant material. In the interest of maritime safety, the Coast Guard, continuing their quote, has consistently opposed legislation to prolong the service of the *Delta Queen*. A vessel constructed of wood operating in the overnight passenger trade presents an unacceptable fire risk to its passengers and crew.

It goes on at great length.

The *Delta Queen* can operate in daytime but not at night.

In the operation of the trade on the Mississippi River, the worst disaster in history occurred, fire onboard a paddle wheeler. Yes, in the 19th century, but 1,700 people died 100 yards from shore.

On March 22 of this year, of this year, the *Delta Queen* had a fire in the generating room requiring the use of their fixed CO₂ extinguishing system. Fortunately, no one was injured. The generator shorted, caused flames to shoot out the generator end.

Earlier this month, the Queen of the West, this April, a similar paddle wheel operated by the very same company that owns and operates the *Delta Queen* had a fire in the engine room, required evacuation of 177 passengers and crew. Three crew members were treated for smoke inhalation.

□ 1445

Last year, in May, the *Empress of the North*, another excursion vessel operated by the same company owning the *Delta Queen*, ran aground in southeast Alaska, evacuating over 200 passengers and crew; fourth grounding of that vessel in less than 4 years.

Now I can understand those who live along the Mississippi River, which starts nearly in my district all the way down to the Gulf, but friends, we would never stand for limiting safety on a 747 aircraft. And over a decade ago, a foreign airline was trying to remove over-

wing exits from a 747. Congressman Bill Clinger, Pennsylvania's ranking Republican on the Committee on Aviation with me, we stopped them from doing that. We stopped the FAA from allowing that risk to safety. We should stop this risk to safety here. Fire at night is terrifying. Oppose the amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. CHABOT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 195, noes 208, not voting 28, as follows:

[Roll No. 222]

AYES—195

Aderholt	Flake	Marshall
Akin	Forbes	McCarthy (CA)
Altmire	Fortenberry	McCaul (TX)
Bachmann	Fossella	McCotter
Bachus	Foster	McCrery
Baird	Fox	McHenry
Barrett (SC)	Franks (AZ)	McKeon
Bartlett (MD)	Frelinghuysen	McMorris
Barton (TX)	Galleghy	Rodgers
Bilbray	Garrett (NJ)	McNerney
Bilirakis	Gerlach	Melancon
Bishop (UT)	Gilchrest	Mica
Blunt	Gingrey	Miller (FL)
Boehner	Gohmert	Miller, Gary
Bonner	Goode	Moran (KS)
Bono Mack	Goodlatte	Musgrave
Boozman	Granger	Myrick
Boustany	Graves	Neugebauer
Boyd (KS)	Hall (TX)	Nunes
Brady (TX)	Hare	Paul
Braley (IA)	Hastings (WA)	Pearce
Broun (GA)	Hayes	Pence
Brown (SC)	Heller	Peterson (PA)
Buchanan	Hensarling	Petri
Burton (IN)	Herger	Pickering
Buyer	Hill	Pitts
Calvert	Hobson	Platts
Camp (MI)	Hoekstra	Poe
Cannon	Hunter	Price (GA)
Cantor	Inglis (SC)	Putnam
Capito	Issa	Ramstad
Carter	Jefferson	Regula
Castle	Johnson (IL)	Rehberg
Chabot	Johnson, Sam	Reichert
Chandler	Jones (NC)	Renzi
Clay	Jordan	Reynolds
Coble	Keller	Rogers (AL)
Cohen	Kind	Rogers (KY)
Cole (OK)	King (IA)	Rogers (MI)
Conaway	King (NY)	Rohrabacher
Crenshaw	Kingston	Ros-Lehtinen
Cubin	Kirk	Roskam
Culberson	Kline (MN)	Royce
Davis (AL)	Knollenberg	Sali
Davis (KY)	Kuhl (NY)	Saxton
Davis, David	Lamborn	Schmidt
Davis, Tom	Latham	Sensenbrenner
Deal (GA)	Latta	Sessions
Dent	Lewis (CA)	Shadegg
Doolittle	Lewis (KY)	Shays
Drake	Linder	Shimkus
Dreier	Loeb sack	Shuster
Duncan	Lucas	Simpson
Ehlers	Lungren, Daniel	Smith (NE)
Ellsworth	E.	Smith (TX)
Emerson	Mack	Souder
Fallin	Manzullo	Stearns
Ferguson	Marchant	Sullivan

Tancredo
Tanner
Allen
Terry
Thornberry
Tiahrt
Tiberi
Turner

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Clarke
Cleaver
Clyburn
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez

Alexander
Andrews
Biggert
Blackburn
Brown-Waite,
Ginny
Burgess
Campbell (CA)
Costello
Cramer

Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland

NOES—208

Hall (NY)
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inlee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Lowe
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Young (AK)

NOT VOTING—28

Doggett
Everett
Feeney
Higgins
Hulshof
LaHood
McNulty
Nadler
Pascrell
Porter
Pryce (OH)
Radanovich
Rush
Ryan (WI)
Slaughter
Udall (NM)
Weller
Wynn
Yarmuth

□ 1504

Messrs. BISHOP of Georgia, LINCOLN DAVIS of Tennessee, PERLMUTTER, and ENGLISH of Pennsylvania changed their vote from “aye” to “no.”

Mr. HARE changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. OBERSTAR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 395, noes 7, not voting 29, as follows:

[Roll No. 223]

AYES—395

Abercrombie	Chandler	Frelinghuysen
Ackerman	Clarke	Galleghy
Aderholt	Clay	Garrett (NJ)
Akin	Cleaver	Gerlach
Allen	Clyburn	Giffords
Altmire	Cohen	Gilchrest
Arcuri	Cole (OK)	Gillibrand
Baca	Conaway	Gingrey
Bachmann	Conyers	Gohmert
Bachus	Cooper	Gonzalez
Baird	Costa	Goode
Baldwin	Courtney	Goodlatte
Barrett (SC)	Crenshaw	Gordon
Barrow	Crowley	Granger
Bartlett (MD)	Cubin	Graves
Barton (TX)	Cuellar	Green, Al
Bean	Culberson	Green, Gene
Becerra	Cummings	Grijalva
Berkley	Davis (AL)	Gutiérrez
Berman	Davis (CA)	Hall (NY)
Berry	Davis (IL)	Hall (TX)
Biggert	Davis (KY)	Hare
Bilbray	Davis, David	Harman
Bilirakis	Davis, Lincoln	Hastings (FL)
Bishop (GA)	Davis, Tom	Hastings (WA)
Bishop (NY)	Deal (GA)	Hayes
Bishop (UT)	DeFazio	Heller
Blumenauer	DeGette	Hensarling
Blunt	Delahunt	Herger
Boehner	DeLauro	Herseth Sandlin
Bonner	Dent	Hill
Bono Mack	Diaz-Balart, L.	Hinchey
Boozman	Diaz-Balart, M.	Hinojosa
Boren	Dicks	Hirono
Boswell	Dingell	Hobson
Boucher	Donnelly	Hodes
Boustany	Doolittle	Hoekstra
Boyd (KS)	Doyle	Holden
Brady (PA)	Drake	Holt
Brady (TX)	Dreier	Honda
Braley (IA)	Edwards	Hooley
Broun (GA)	Ehlers	Hoyer
Brown (SC)	Ellison	Hunter
Brown, Corrine	Ellsworth	Inglis (SC)
Buchanan	Emanuel	Inlee
Burton (IN)	Emerson	Israel
Butterfield	Engel	Issa
Calvert	English (PA)	Jackson (IL)
Camp (MI)	Eshoo	Jackson-Lee
Cannon	Etheridge	(TX)
Cantor	Fallin	Jefferson
Capito	Farr	Johnson (GA)
Capps	Fattah	Johnson (IL)
Capuano	Ferguson	Johnson, E. B.
Cardoza	Filner	Johnson, Sam
Carnahan	Forbes	Jones (NC)
Carney	Fortenberry	Jones (OH)
Carson	Fossella	Jordan
Carter	Foster	Kagen
Castle	Fox	Kanjorski
Castor	Frank (MA)	Kaptur
Chabot	Franks (AZ)	Keller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markley
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)

Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Oliver
Ortiz
Pallone
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak

Shadegg
Sha's
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skeltton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—7

Coble
Duncan
Flake
Nunes
Paul
Rogers (KY)
Tancred

NOT VOTING—29

Alexander
Andrews
Blackburn
Boyd (FL)
Brown-Waite,
Ginny
Burgess
Buyer
Campbell (CA)
Costello
Cramer
Doggett
Everett
Feeney
Higgins
Hulshof
LaHood
McNulty
Miller, George
Nadler
Pascarell
Porter
Pryce (OH)
Radanovich
Rush
Ryan (WI)
Udall (NM)
Weldon (FL)
Weller
Yarmuth

□ 1513

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2830, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

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

There was no objection.

□ 1515

LEGISLATIVE PROGRAM

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

Mr. BLUNT. I yield to my friend, the gentleman from Maryland, the majority leader, for information about the schedule.

Mr. HOYER. I thank the Republican whip.

On Monday, the House is not in session. On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected.

We will consider several bills under suspension of the rules. The final list of suspension bills, as usual, will be announced by the close of business tomorrow. We will consider H.R. 493, the Genetic Information Nondiscrimination Act, and H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act.

Finally, Members should note that on Wednesday, the Prime Minister of Ireland, The Honorable Bertie Ahern, will address a joint meeting of the House and Senate.

Mr. BLUNT. I thank the gentleman for that information.

Will the Combustible Dust Explosion and Fire Prevention Act, will that act be under a rule?

Mr. HOYER. Yes.

Mr. BLUNT. And the Genetic Information Nondiscrimination Act will be as well?

Mr. HOYER. Yes.

Mr. BLUNT. I thank the gentleman for that. I notice the schedule doesn't include anything yet on the supplemental. I continue to see reports suggesting that the supplemental may come directly to the floor and not through committee. I wonder if the gentleman has any indication of what might be the schedule at this time on the supplemental.

I would yield.

Mr. HOYER. I thank my friend for yielding.

As you have read, we are discussing how to process the supplemental. As I indicated to you, it is my intention that we will pass the supplemental prior to Memorial Day. By that, I mean in sufficient time so the Senate can do so as well so we can pass it finally.

That is my hope and my intention. We are still working on the components of the supplemental, and very frankly, it has not yet been finally decided as to how that might be processed. Obviously, at times in the past it has been added to other legislation. In other times, it has been passed as a free-standing bill. Committee consideration, obviously, is part of the regular order, if we go that way, but there are other ways to go. We want to facilitate the passage of it as quickly as possible.

Mr. BLUNT. I appreciate the need to get this war supplemental done. Of course we have been talking about it during this entire work period for the last 4 weeks now. Since 1989, the Congress has passed 36 supplementals. All but seven of them went through the committee process. On those seven occasions—it was the supplemental right after 9/11, the supplemental right after Katrina. I would just say to the gentleman that I know our members of the Appropriations Committee today have expressed great concern if the committee doesn't have the opportunity to mark this up in regular order, and I don't know that that has anything other than informational value to you, it may very well go through the committee. If it doesn't, I have heard a lot of concern expressed about why, with the amount of time we have had here, we would do what is a relatively extraordinary thing.

I would be glad to yield.

Mr. HOYER. I appreciate the gentleman yielding.

Our intent obviously, as I said, is to pass this bill. Obviously we are considering the best way to do so, giving every Member an opportunity to vote as they see fit on various component parts of the supplemental, and we are considering how best to do that.

I understand, certainly, the committee's concern, having served on that committee for about 24 years, and having considered a number of supplementals. As a member of that committee, I understand that concern. But I will tell the gentleman that we are trying to proceed in a way that will facilitate the passage of this bill to the Senate and hopefully transmittal to the President prior to the Memorial Day break.

Mr. BLUNT. Well, I thank the gentleman for that. I do think the time does matter here because of the potential for furlough notices and other things for troops if we let this bill go much beyond the work period we are in right now between now and Memorial Day.

One of the items that I keep seeing reports that could be in this bill would be enhanced GI benefits. The cost estimates I have seen from a Senate cost

estimate on a bill over there, to a bill here, have been anywhere from a low of \$20 billion to a high of \$60 billion over 10 years. I know a number of Republicans have been working on that as well. Some of them have reached out to Democrats this week, saying, We hope we can find a way to pay for this.

Does the gentleman have any knowledge of whether or not that GI bill, expanded GI benefits, is being actively discussed as part of the bill?

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

I will tell the gentleman that very definitely it's being discussed. We believe this is a cost of war. We have over 4,000 families who have lost husbands, wives, brothers and sisters. We have over 30,000 severely injured. Obviously, the GI bill for those who came home from World War II and Korea had very good benefits that were helpful to them. Unfortunately, particularly with respect to our Guard and Reserve, that is not the case.

JIM WEBB, the former Secretary of the Navy, now the Senator from Virginia, as you know, has introduced a bill. STEPHANIE HERSETH SANDLIN on this side has also introduced a bill. Others have introduced legislation trying to make sure that the veterans who are coming home from Iraq that have been deployed for long periods of time, have had their lives very substantially disrupted, their families' lives disrupted, fighting for their country, that this is a cost of war.

We are trying to address this, and the gentleman is correct, there is discussion about, as a cost of war, having this proceed to the President perhaps on the supplemental. That is under discussion. That decision has not been made. But it's certainly very high on our priority list to take care of these veterans that have come home and give them the kind of benefits that we think they are due as great patriots who have sacrificed for our country.

Mr. BLUNT. I thank the gentleman for that information. I know Senator MCCAIN on the other side of the building also has come up with a proposal in this area. He introduced legislation in this area. So it's widely discussed. I think something can be done. Whether or not the supplemental is the place or not, I don't know. I do believe that whatever we do should become permanently part of the benefits that veterans should anticipate being able to have in the future and not have any kind of a temporary aspect to it.

The other question I had of my friend are just about the conferences that I haven't asked about in a couple of weeks. There are really three of them I am wondering about, and that would be the conference on the farm bill, the conference on the higher education bill, or the budget itself.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

I think the good news is that certainly on the farm bill, Mr. PETERSON

indicates that progress is being made. As you know, we extended it to May 2 to give the conference committee a little more time.

They have been working at it very diligently. It's difficult. There were substantial differences, not so much partisan differences, but substantial differences between the two Houses. The Democrats and Republicans, frankly, on both sides of the issues.

We believe that progress is being made. I am hopeful that we can, in the next week, have a conference report on the farm bill on the floor. I am hopeful. I am not predicting that, but I am hopeful.

As to the budget, I think progress is being made there as well. There are some thorny issues. We are very committed to PAYGO. You mentioned PAYGO as it relates to the GI bill. We are committed to PAYGO. I was very pleased to hear that some of your members want to make sure that the veterans bill is paid for. The war costs, which we believe the veterans benefit are a part of, are not paid for, as you know, in the President's proposal.

But with respect to the third conference, the higher education bill, let me see if I have a note here. We are also making progress, it says, on the higher education conference. But it is likely, according to the chairman, that we will need a short-term extension next week because apparently they are not sure that they will get it finished by next week. So we may need an extension. If so, we will bring one to the floor. I presume that will be in agreement with both the ranking member and the chairman.

Mr. BLUNT. I thank the gentleman for that. Of course we did a 1-week extension on the farm bill again today. We have done several extensions now. I hope we get to a point where we have a bill on the floor or have some ongoing policy that farmers can rely on, even if that is an extension of the bill we have, but some ongoing policy really does matter, and I hope we get there.

I thank the gentleman.

Mr. HOYER. I would just say we are in agreement.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, APRIL 30, 2008, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY BERTIE AHERN, PRIME MINISTER OF IRELAND

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, April 30, 2008, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Bertie Ahern, Prime Minister of Ireland.

The SPEAKER pro tempore (Mr. ALTMIRE). Is there objection to the request of the gentleman from Maryland?

There was no objection.

ADJOURNMENT FROM FRIDAY, APRIL 25, 2008, TO TUESDAY, APRIL 29, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PROVIDING ADDITIONAL AMOUNTS FOR EXPENSES OF SELECT COMMITTEE ESTABLISHED UNDER HOUSE RESOLUTION 611

Mr. DAVIS of Alabama. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 1148) providing additional amounts for the expenses of the select committee established under House Resolution 611.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1148

Resolved,

SECTION 1. EXPENSES OF SELECT COMMITTEE.

(a) PAYMENT OF EXPENSES.—In addition to the amounts authorized under House Resolution 723, as agreed to October 10, 2007, there shall be paid out of the applicable accounts of the House of Representatives not more than \$150,000 for the expenses of the select committee established under House Resolution 611, as agreed to August, 3, 2007 (hereafter referred to as the "select committee").

(b) VOUCHERS.—Payments under this resolution shall be made on vouchers authorized by the select committee, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

(c) REGULATIONS.—Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM DEPUTY DISTRICT DIRECTOR, THE HONORABLE SUSAN A. DAVIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jessica Poole, Deputy

District Director, the Honorable SUSAN A. DAVIS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with two criminal trial subpoenas for testimony issued by the Superior Court for San Diego County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

JESSICA POOLE,
Deputy District Director.

COMMUNICATION FROM STAFF ASSISTANT, THE HONORABLE SUSAN A. DAVIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Nicholas Norvell, Staff Assistant, the Honorable SUSAN A. DAVIS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with two criminal trial subpoenas for testimony issued by the Superior Court for San Diego County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

NICHOLAUS NORVELL,
Staff Assistant.

COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE SUSAN A. DAVIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Todd Gloria, District Director, the Honorable SUSAN A. DAVIS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with two criminal trial subpoenas for testimony issued by the Superior Court for San Diego County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

TODD GLORIA,
District Director.

□ 1530

HIGHLIGHTING APRIL AS NATIONAL STD AWARENESS MONTH

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to recognize April as National STD Awareness Month. As you may know, the Centers for Disease Control and Prevention recently released a disturbing statistic. One in four young women between the ages of 14 to 19 has a sexually transmitted disease, and it is likely that she does not even know it. This amounts to an estimated 3.2 million teen girls in America with at least one of four common STDs, including chlamydia and HPV.

The good news is that these diseases and infections are preventable. We have a responsibility to make sure that parents and teenagers have the resources they need to make smart choices for their health and well-being. This includes access to education and access to affordable preventive health care and screening.

As a Co-Chair of the Young Women's Task Force for the Women's Caucus, I call on my colleagues to take note of the CDC's startling statistic, and I congratulate Congresswoman STEPHANIE TUBBS JONES for introducing a resolution supporting National STD Awareness Month.

RECOGNIZING THE IMPORTANCE OF PRAYER IN AMERICAN LIFE AND HISTORY

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today as a member of the bipartisan Congressional Prayer Caucus, as we do each week, to formally acknowledge the importance of prayer in American life and history. Today I remind my colleagues, constituents and country of our need for prayer by reading a portion of a proclamation by John Hancock 220 years ago in 1783 while he was Governor of the Commonwealth of Massachusetts.

He said, "It has been the laudable Practice of this Country, to open the Business of the Year, by setting apart a Day for Religious Exercise, thereby to implore the Blessing of God upon all the Undertakings of his People.

"He hath been graciously pleased to hear our Prayers. At such a Time then, it is peculiarly fit and becoming for us as a People, while we express our Gratitude to Almighty God for his numerous and unmerited Favors, to humble ourselves before Him for our manifold Sins, and to profess our entire Dependence upon his paternal Care, beseeching Him to give us his Grace that we may be able to improve his Mercies to his Honor and Glory."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind visitors in the gallery not to show approval or disapproval of the proceedings.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO TECHNICAL SERGEANT ANTHONY CAPRA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I quote: "Somehow or other their faces seemed different from those of ordinary men."

Winston Churchill wrote those words about volunteers who risked their lives defusing bombs in wartime. I imagine that he saw in their faces the constant strain of knowing that their smallest movements over the bomb could mean the difference between life and death. I imagine that he saw in the lines and creases the evidence of the burden they carried for their comrades; and, deeper still, some indefinable quality that made them willing to take that burden on again and again.

Mr. Speaker, I never met Technical Sergeant Tony Capra. But underneath all the marks of strain and stress, I am sure I could have seen there his love for his family: His wife, Angie; his five children, Mark, Victoria, Jared, Shawn, and Adrianna; his 11 brothers and sisters; his mother and his father.

Last week I had the opportunity to talk to his father about the loss of his son in Iraq as he disabled an IED and it exploded. Obviously, he saved scores of others, and paid the ultimate price. His dad, as one would imagine, was extraordinarily sad, but also exceptionally proud of the duty his son had performed.

I am sure I could have seen in his devotion to our Armed Forces an absolute commitment to their mission, to his duty, to his country.

Sergeant Tony Capra, 31 years of age, died on April 9th in Iraq. He was an Air Force Ordnance Technician based in Indian Head City, Maryland, in my district, an expert diffuser of improvised explosive devices. Quoting from the report about him, his "keen eye for details, astounding memory, and courage without measure," in the words of his commanding officer, as I have said, saved countless lives.

But in the middle of an Iraqi road, not far from Balad Air Force Base, an explosion took his life. Sergeant Capra was on his fourth tour in Iraq. When he could have rested at home, he volunteered to return to work, to work

against explosive devices designed to maim and kill his fellow soldiers, as well as innocent Iraqi men and women, and, yes, too many children. He placed his body in harm's way. He laid his life down for others. He died in our country's service and was posthumously awarded a second Bronze Star.

But this great Nation owes him a debt far beyond its power to repay. It is because of the bravery and sacrifice of American patriots like Tony Capra that a dangerous dictator no longer menaces his own people and the world, and that 25 million human beings who were oppressed for a quarter of a century are currently struggling to establish a democratic government that answers to its own people, that stands for freedom, and respects the rule of law. That was Tony Capra's vision. That is why he served his country so well.

I hope, in time, that Tony's unwavering patriotism and courage gives some comfort to his family. I know it does. But, today, there is so little we can say to soften this blow. As his young brother James said shortly after his death, "It's like a puzzle. Our family is not complete without all the pieces together."

Memories of Tony are all that can be put in his place, and I know how insufficient they must seem right now. But my sincere hope for you, the family and friends of Sergeant Capra, is that those memories will turn in time from a source of grief to a well of comfort; that you will be consoled by the loving and devoted way he lived, and the fearless way he died in the service of others.

Let me end with this thought. We often speak in abstractions in this Chamber. We use words like "supplemental," "counterinsurgency," "redeployment." But behind each of these words is a young life like Sergeant Capra's. More than 4,000 Americans, like Tony Capra, have paid the ultimate price, have given the ultimate sacrifice for our Nation in Iraq and Afghanistan. They bear the burden of the decisions we make here almost every day. And we have a responsibility, indeed, we have a moral obligation, to never forget the Tony Capras and the 4,000 others whom we have lost.

Mr. Speaker, may God bless Tony Capra, a man of courage, patriotism, valor and commitment, and may He console and strengthen those who grieve his loss.

TIME FOR A DIVORCE FROM CORN-BASED ETHANOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Congress has a love affair with corn-based ethanol, and that love affair, Mr. Speaker, is on the rocks.

Ethanol has led to increased food prices, food shortages, and more pollution and less energy. As we have in-

creased our reliance on ethanol, food supplies and prices have soared and have led to a global food shortage as customers stock up before stores run out. Shortages have led to food riots in Egypt, Haiti and other nations. There is an international shortage of basic commodities such as rice and wheat, and this has resulted in protests and riots.

American consumers are reactionary. They read about the international shortage and the riots and they run to the store to buy more food, stocking up. Yesterday, Wal-Mart and Costco announced they were limiting purchases of rice. You can only buy four bags of rice on any one trip at Wal-Mart.

Mr. Speaker, who would have thought that in the United States we would start having food rationing?

Also, because of inflation of the prices of corn-based ethanol, other food products are going up. Prices on beer, bread, coffee, pizza and rice are dramatically increasing. Anything that has a corn-based product has also increased in price.

In Mexico, cornmeal prices are up 60 percent. In Pakistan, flour prices have doubled. And even China is having a food inflation problem. In America, the cost of all groceries is skyrocketing. The shortage of staple food has larger consequences for our country, and, of course, it adds to inflation.

Also, we are now finding out that corn-based ethanol contributes to global warming. In March, Science Magazine reported that "Using good cropland to expand biofuels increases global warming."

Under Congress' ethanol mandates, farmers must plow more land to grow enough corn to use in our vehicles. This releases carbon stored in plants and in the soil. And Science Magazine continues to say that corn-based ethanol will increase greenhouse gases by 93 percent in 30 years.

Ethanol also pollutes. Factories that convert corn into ethanol release carbon monoxide, methanol and some carcinogens at a very high level. The science that predicted less CO₂ from corn ethanol is now being questioned as junk science.

Ethanol pollution has also contributed to the dead zone in the Gulf of Mexico. What that is, Mr. Speaker, is the water that runs down into the Gulf of Mexico at the mouth of the Mississippi, because of the pollutants in that water, it causes a dead zone about the size of New Jersey where nothing lives and nothing grows.

As Congress continues to subsidize corn-based ethanol, farmers are using more and more fertilizer to plant corn, and thus more fertilizer runs into the Mississippi River, down the river to the Gulf of Mexico, and the dead zone continues to grow.

You see, we don't eat corn anymore. We burn it in our cars. Farmers planting more corn only increase the dead zone problem. So now we are having a

problem with food production that comes from the sea, from the Gulf of Mexico, all because of corn-based ethanol.

And, of course, ethanol hurts other industries. While grain producers have benefited from ethanol mandates because of record profits, some other industries are hurting. The losers are livestock farmers and ranchers, who have lost about \$30 more an animal since the fall.

□ 1545

In other words, corn prices going up cost more to feed their beef, and then beef prices continue to go up as well. And we pay. The consumer always pays.

So, Mr. Speaker, Congress needs to rethink its love affair with ethanol. We need to lift the offshore drilling prohibition against drilling for crude oil and for natural gas. We need to develop our own natural resources. We need to allow permits for clean coal production. We need to use safe nuclear energy. And, we need to get back to eating corn instead of burning it in our vehicles. It is time for us to get a divorce from corn-based ethanol.

And that's just the way it is.

RETIRED OFFICERS AS PAWNS OF THE PENTAGON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, last Sunday the front page of the New York Times included a story about the efforts of the Pentagon's public affairs operation to influence retired military officers now working as military analysts for some of our Nation's largest media organizations.

Mr. Speaker, I am very angry about the issues raised by the New York Times story, as are many of my colleagues who have called me aside to discuss it. The story does not reflect well on the Pentagon, on the military analysts in question, or on the media organizations that employ them.

Mr. Speaker, maybe I am too idealistic, but this story is appalling to me on a number of levels. For me, it all comes down to trust and credibility. And it would be a dangerous thing for the American people to lose trust in the Pentagon, in our retired officers corps, and in the press, each of which has a critical role to play in preserving our Nation's freedoms.

Through the years, I have frequently urged our military services to improve their efforts to tell America about the good work that is being done by our country's sons and daughters in the uniform. Our military services have an important story to tell, and public affairs offices are critical to that task. But credibility is paramount. Once lost, it is difficult or impossible to regain.

There is nothing inherently wrong with providing information to the public and to the press; but, there is a

problem if the Pentagon is providing special access to retired officers, and then basically using them as pawns to spout the administration's talking points of the day. There are allegations that analysts who failed to deliver the message required by the administration mysteriously lost access to future briefings and information. I find this deeply troubling. We deserve to be able to trust the actions of the Pentagon.

We also deserve a retired officer corps that is worthy of the respect it receives from the American people, who place great faith in their judgment and their loyalty to our Nation. Americans trust our Active Duty and retired military, and rightly so.

I know a number of the retired officers employed by the media as military analysts to be honorable people. But the special access they are alleged to have received and the circumstances of their employment, without proper disclosure of their outside interests or biases, raise a number of uncomfortable questions that deserve serious answers.

Which master do these analysts serve: The United States Government, which supplies their retirement pay? The Pentagon, which may reduce the amount of analysis they actually need to do by providing detailed talking points promoting the current administration's message agenda? The defense contractors, who pay them for serving on boards for their defense expertise and, perhaps more to the point, for their Pentagon connections?

Will their analysis, either by design or just by lucky coincidence, result in contracts or other advantages for the companies from which they take home a paycheck?

Mr. Speaker, it hurts me to my core to think that there are those from the ranks of our retired officers who have decided to cash in and essentially prostitute themselves on the basis of their previous positions with the Department of Defense. I would hate to think that, because a few people have blurred ethical boundaries and cashed in on their former positions, that we might tarnish the military's hard-won reputation for professionalism and objectivity and love of country first and foremost.

Finally, I think our media have a serious responsibility to disclose potential conflicts of interest when they do their reporting. This applies to all of their stories, of course, and not just to those that include retired officer military analysts. I understand that different organizations have different rules, but perhaps it would not be out of order for our journalism schools and professional journalism organizations to develop ethical guidelines for dealing with such issues.

Mr. Speaker, our Nation's military exists to protect America's freedoms for its citizens today and for future generations. The First Amendment guarantees the right of all Americans, including retired servicemembers and members of the press, to speak freely

and without restraint. But with our rights come responsibilities to act honestly and ethically.

I have no doubt we will continue to discuss these matters in the days ahead.

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 of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, today we mark the 93rd anniversary of the onset of the Armenian genocide. It is on this date that the Ottoman officials captured more than 200 Armenian intellectual leaders and placed them in prison. Unfortunately, these actions were only the beginning of the Ottoman-led atrocities against the Armenians.

During the following years, at least 1.5 million Armenians were arrested and compelled to march hundreds of miles to what is today the Syrian desert. And along the way, prisoners of all ages endured hunger, thirst, rape, sexual abuse, and other forms of torture.

While it is difficult for us to commemorate these terrible acts each year, we must continue to remember those horrors that can occur when governments persecute citizens based on ethnicity or religious affiliation.

We often hear those words of George Santayana's famous quote that, "Those who cannot remember the past are condemned to repeat it." And these words are ringing true today as well. Already, there are those who deny that the Armenian genocide occurred despite the vast evidence to the contrary. Meanwhile, our generation has seen its own mass murders occur in Rwanda and Sudan.

So, I urge my colleagues in the majority to bring House Resolution 106, which commemorates these atrocities that occurred only a few generations ago, to the House Floor for a vote. Now is the time for America to officially ensure that U.S. foreign policy reflects sensitivity concerning human rights issues.

Just yesterday, I had the privilege of meeting Alice Khachadoorian-Shnorhokian. Alice is a resident of Mahwah, New Jersey, which is a town in my district. Alice was born in Turkey in 1912 to a successful, respected Armenian family of eight. And when Turkish officials ordered Armenians to denounce their faith and nationality, she and her parents refused. As a re-

sult, her family was rounded up and ordered to march into the desert. Alice and her brother were too young, of course, at that age to walk, so her parents had to put them in boxes on either side of a donkey and march into the desert.

When they arrived in Aintab, her mother befriended their Turkish neighbors, and these neighbors ultimately enabled them to get a permit which allowed Alice and her family to escape. Alice moved to the United States in 1980, and became a citizen of the U.S. just 5 years later. And, as a survivor, she says she wants to, "see justice so that the words 'never again' become a reality."

So, while I am a Member of Congress, I will always remember Alice's words and her wish. We must fully recognize the friendship with our allies in Turkey today, but we cannot change nor should we forget the past. I hope that there can be some reconciliation between Turkey and Armenia, and that a proper acknowledgement of the crimes of the past can now allow them to move forward into a future of peace and also of mutual understanding.

WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, China is facing growing criticism for its record on human rights. It has been condemned for its recent crackdown on Tibet, its oppression of dissidents at home, and its support for the regime in Sudan that is responsible for the genocide in Darfur.

Russia is another country that has received justifiable criticism for cracking down on freedom. President Putin has rolled back many of the democratic gains Russia made after the Cold War. And the recent elections in Russia were a sham, clearly rigged to favor Putin's candidate.

Because of all of this, you would think that the people of the world would have a much higher opinion of the United States, the world's greatest democracy, than they would have of anti-democratic China and Russia. But that just isn't the case. Incredibly, according to the most recent annual survey of international attitudes, America is viewed more negatively around the world than China and Russia.

The Study of World Opinion was conducted by the BBC World Survey. According to the BBC, America's image abroad plummeted after our invasion of Iraq in the year 2003, and continued to decline in the following years.

The latest survey, which was released on April 1, however, has shown some good news. America's image is a little better than it was last year. But it is not because the world has suddenly changed its opinion about the Bush administration and its policies in Iraq.

The director of the survey was quoted as saying, "It may be that, as

the U.S. approaches a new presidential election, views of the U.S. are being mitigated by hope that a new administration will move away from foreign policies that have been so unpopular in the world."

Mr. Speaker, what the world thinks of America matters. And it is not just because we want to win popularity contests. It is far more serious than that. Our ability to lead the world is badly damaged when our reputation is in tatters. We cannot lead the world in the fight against terrorism when so many people in the world, even our best friends, believe that we are a threat to peace ourselves. We cannot lead the world in the fight against the many other global problems, including poverty, disease, climate change, and the lack of educational opportunity when we have lost our moral authority and credibility.

When you go to war under false pretenses, devastate a nation that never attacked you, and condone torture, you don't make America stronger, you make America weaker, because you undermine values that are the real source of our strength. America's great values are democracy, the rule of law, peace, and compassion for the people of the world. Our occupation of Iraq has trampled on all of these values. The veto of Congress' effort to outlaw waterboarding is just the latest example of what I am talking about.

And what was gained by trashing our values? Nothing. A report written by the National Defense University, the Pentagon's premier military educational institute, called our occupation of Iraq a major debacle.

Mr. Speaker, 92 Members of the House have written to the President to tell him that we will fully fund the responsible redeployment of our troops out of Iraq, but we will not approve another penny to support the disastrous policy of open-ended occupation.

After more than 5 years of occupation, it is time for us to redeem America's reputation, restore our values, rebuild Iraq, and lead the world in the fight for peace once again.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

(Mr. ELLISON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CELEBRATING EARTH DAY

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, 2 days ago we celebrated Earth Day, a holiday that began in 1970, when Senator Gaylord Nelson recognized the growing public movement that we now know as environmentalism, and called on environmentally concerned citizens to join him in cities around the world to demonstrate, teach, and learn about preserving the world's natural wonders.

Speaking on that occasion, Senator Nelson said of the first Earth Day, "It may be the birth date of a new American ethic that rejects the frontier philosophy that the continent was put here for our plunder and accepts the idea that even urbanized, affluent, mobile societies are interdependent with the fragile life-sustaining systems of the air, the water, and the land."

Today, we have accomplished many of the goals of the first environmentalists: Cleaning up rivers so polluted by industrial waste that they burned, and air polluted with lead, mercury, and sulfur. But there are still many pollutants that we have not eliminated, and we have come to realize that pollution is not a local problem, but a global one as well.

□ 1600

We alter the environment with factories and refineries, but also through agriculture, fishing and mining. In many ways we are lucky. Drawing on our long experience of environmental remediation and policy-making, we know some of the solutions to the endemic, international problem of climate change.

This is a problem of such scope and depth that it can seem daunting at times. But if I were ever tempted to retreat from confronting this problem because of its size, I need only look at my daughter Alexa, who is here with me today, and my son Eli and realize that this is not a problem I am willing to leave to them.

But Earth Day was first a day for awareness, and I would like to continue that tradition today by taking a short break from the important debates we had earlier today, and celebrate some of the small steps people around the country are taking to reduce their impact on the world we all share.

Some Americans have found that the wind passing over their farms and ranches is as valuable a resource as the oil beneath the farm or ranch once was, and have replaced their oil wells with windmills.

Some have jumped on board in the most American of ways—by starting a business. The green-tech sector is growing by leaps and bounds with companies developing technologies for solar, wind and geothermal energy, biofuels, carbon capture and storage, energy efficiency, smart electric grids, and low-carbon agriculture, to name a few.

Some have replaced their windows and washing machines with more en-

ergy-efficient ones, and installed extra insulation to reduce their heating bills. They have discovered that just changing the light bulbs to an energy-efficient model will reduce their electric bill dramatically and save energy.

Some companies now offer transit passes and bike racks to encourage their employees to commute efficiently, and many employees are taking up that challenge.

But Earth Day is also a day to look forward to see what we can do next.

Many Americans will install solar panels, solar water heaters, attic fans and geothermal heat pumps in our homes to reduce our dependence on the power company. Many Americans will buy houses made of renewable materials and cars that run on biofuels. Those same cars will plug into a grid during the day, providing a buffer against blackouts and brownouts.

Other Americans will enjoy public transportation that reaches further out into our suburbs and links our communities more tightly together. And still other Americans will work for companies that build green technologies and sell them all over the world to countries desperate for an answer to their polluted water and air, and mounting energy needs.

These are the efforts that we must begin today so we can see the fruits of our labor tomorrow. But today, we must all remember that Earth Day is an opportunity to teach our children to respect the planet we live on. By taking them hiking or fishing or camping or bicycling, we introduce them to a world of mountains and forests and beaches that they will continue to enjoy and appreciate for the rest of their lives. We protect the environment so our children will have a healthy planet to live on, and we teach our children to be environmentalists so that their children will have the same healthy home.

The SPEAKER pro tempore (Ms. TSONGAS). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LIMITS ACT OF 2008

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Speaker, is America giving visas and diplomatic immunity to terrorist sponsors who wish to destroy our country?

The United States has designated North Korea, Iran, Cuba, Syria, and Sudan as state sponsors of terrorism. These terrorist-sponsoring states are actively engaged in espionage against America.

Two months ago reports surfaced that Cuba is placing top intelligence operatives known as “ambassador spies” in key embassies worldwide to gather information and provide intelligence to America’s enemies. In July of last year, Germany expelled an Iranian diplomatic for attempting to acquire nuclear components for the Islamic Republic’s nuclear program. In December of 2006, South Korea indicted five people on charges of spying for North Korea for allegedly passing on “national secrets” such as U.S. troop movements, among other things.

Let me give you another example. Three years in a row, in 2002, 2003 and 2004, personnel from the Iranian Mission to the United Nations were actually caught, they were actually caught, photographing and videotaping the New York subway and other popular landmarks in New York City. Who knows what other things they were involved in that we do not know about?

These are not our friends, and yet we allow them to use the United Nations as a cover for their activities. Over 6,600 visas have been issued to diplomats, representatives, and other individuals from state sponsors of terrorism for the past 5 years. Some of these individuals with diplomatic immunity have already been expelled for spying, or in diplomatic terms, “engaging in activities inconsistent with their duties.” Most of these individuals would not be otherwise allowed into our country.

U.S. Public Law 357, enacted in 1947, clarified the United Nations Headquarters Agreement of November 21, 1947. In section 6, this law states that “nothing in the agreement shall be construed as in any way diminishing, abridging or weakening the right of the United States to safeguard its own security,” and in particular, “completely to control the entrance of aliens into any territory of the United States other than the U.N. headquarters district and its immediate vicinity.”

The bill I am introducing with my colleagues today, the LIMITS Act, Limiting the Intrusive Miles of International Terrorist Sponsors Act of 2008, would limit the vicinity for state sponsors of terrorism to a half-mile radius of the U.N. complex. Half of a mile is more than enough space for personnel to obtain lodging, food and other necessities, even medical care, and it will be easier and more cost effective for the U.S. intelligence community and law enforcement to monitor suspected individuals when necessary.

Current mileage restrictions are far too lax to be effective. Some individuals from countries designated as state sponsors of terrorism are permitted to travel within a 25-mile radius of Columbus Circle in New York City. That is 50 miles from end to end which is a horrendously large area to effectively monitor hundreds of terrorist sponsors. And yet some countries designated as state sponsors of terrorism have no mileage restrictions at all.

This is a vulnerability that we have ignored for way too long. Foreign espionage against the United States has increased in recent years. In the case of the United Nations, there is no trade-off or reciprocity. All of the risk is borne by the United States. Why are we continuing to ignore this problem?

It is time to level the playing field by providing a consistent, strict standard for personnel from state sponsors of terrorism, while simultaneously easing the burden on the U.S. intelligence community and the law enforcement community responsible for ensuring our safety.

I urge all of my colleagues that have not done so already to cosponsor this bill, the LIMITS Act of 2008. I encourage the leadership of the House of Representatives to bring this bill to the floor for a vote as soon as possible. Our security depends upon it.

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.)

HOMELAND SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to talk about the issues of homeland security and ask my colleagues to reflect upon the legislation, historic legislation that we have just passed regarding the U.S. Coast Guard. We have added enough new Coast Guard to raise the number to 47,000 members of the U.S. Coast Guard. That is something to applaud.

We have provided an opportunity for securing our LNG, liquid natural gas, in the number of ports around America where surrounding communities exist. We have created a format to secure our waterways where the U.S. Coast Guard is involved. We have provided for an enhanced expedited process for securing what we call TWIC cards. These are documentation for port workers to have after September 25, 2008.

Today I rise to offer a resolution that will acknowledge the Transportation Security Administration addressing the question of security as relates to our transportation security that would mandate the implementation of the recommendations of the 9/11 Commission Act of 2007 that enhances security against terrorist attack and other security threats to our Nation’s rail and mass transit.

I am doing this along with a number of Members, including Chairman BENNIE THOMPSON of the full committee. It is important to note that transportation systems are systems that have been under attack, particularly mass transit, and I believe it is

important to encourage TSA to continue to develop the National Explosive Detection Canine Team Program which is supported in a bipartisan manner, one that I have seen work and has been very effective to improve the success of the Online Learning Center by providing increased person-to-person professional development programs to ensure those responsible for securing against terrorist attacks on our transportation systems are highly trained and to continue to serve our Nation’s mass transit and rail systems against terrorist attack and other security threats so as to ensure the safety of our commuters on our Nation’s mass transit.

This is a resolution to encourage the TSA to improve their work product, to thank them for the work product that they are doing, but also to encourage them to work diligently in compliance with the new legislation that we just passed.

I also want to speak to the phenomenon that is being used across America called ICE raids. I am very well aware that the Secretary of Homeland Security believes that he has been forced to use a new tactic in immigration reform because this Congress has not been able to shed itself of obstacles of bias and disagreement, to get into a room and truly provide for comprehensive reform of the immigration system, something I have worked on for 6 years.

I appreciate the leadership from both sides of the aisle with their different perspectives. I am delighted to serve on the Judiciary Committee with JOHN CONYERS and ZOE LOFGREN, who have been champions of this reform process, along with BENNIE THOMPSON and LORETTA SANCHEZ on Homeland Security.

But we cannot stand by and allow our immigration system to be formed by massive raids on individuals who are here only to work. My fear is that a potential violent act may occur out of fear and apprehension. So I believe it is important for the administration, the White House, to stand up and be counted, to go to the bully pulpit and insist on a comprehensive response to immigration, not the raiding of Shipley’s Do-Nuts, so that people in an apartment building are jumping out of apartment building windows out of fear. You are not going to deport 12 million people. Get a life. It is important to know who everyone is, and I want to make sure that we do so.

I want it to be known that I stand against random ICE raids. I am not against immigration reform in a right way. I am not for illegal immigration. But I will tell you it will not work. It will be deadly and it will be devastating. It is important for employers to hire documented workers and be under the eye of the law, and we should enforce this idea of making sure people are documented.

□ 1615

But it’s up to the government to get a system that works so that we can

give documentation to individuals who are here simply to work, and we can weed out the terrorists.

People who are working at Shipley's Do-Nuts, people who are in hotels and restaurants, who are not taking American jobs, are doing the work that this Nation needs.

We need to hire Americans first. But we cannot, by a raid, end the immigration crisis. We need to fix it, and we need to fix it now.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

(Mr. TANCREDO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

(Mr. KLEIN of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE THREAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, today is over 79 months after September 11, 2001. I rise today to discuss the grave matter that still lies before this Nation, now 6½ years after those horrendous attacks. Jihadism, or radical jihad, was with us before 9/11, has been with us since 9/11, and unfortunately, will continue to be with us into the foreseeable future in this, the 21st century.

It bears repeating what al Qaeda has done and intends to do to us, to our allies, to fellow nation states, and to fellow human beings around the globe. This is, in my judgment, the paramount issue of our time.

As one scholar wrote 1 month after 9/11, for Osama bin Laden and his followers, this is a holy war between Islam and the western world. If that is true, if it is also true, as stated recently in foreign affairs, that al Qaeda is a more dangerous enemy today than it's ever been before, this discussion is certainly worth having.

Let me briefly discuss what we are talking about. Who exactly are these jihadists? Are we referring to al Qaeda and its cohorts? Are we talking about Iran, Syria and the other nation states

whose interests in the Middle East do not properly align with America's?

Or perhaps we mean Hamas, Hezbollah, or the myriad religious nationalist organizations across the Muslim world that share neither the ideology nor the aspirations of global transnational groups like al Qaeda that have, nevertheless, been dumped into the same category, them.

I would submit that we are primarily talking about al Qaeda and its minions, as well as those whose behavior is imitative of al Qaeda's, or any person or group which seeks to kill innocent civilian life for the purpose of coercing, through intimidation, fear and death, political, economic or cultural change.

While their aims and purposes may be somewhat divergent, depending on the geographical and geopolitical location of the perpetrator, wanton violence, death and destruction are their trademarks.

As the American people know, these aims and purposes did not originate on September 11, 2001. On February 26, 1993, murderous killers, using a Ryder van, bombed the World Trade Center, killing seven and wounding over 1,000.

In 1996, the Khobar Towers, barracks for our U.S. Army, were attacked in Saudi Arabia.

In 1998 the American embassies in Kenya and Tanzania were bombed.

USS *Cole* was attacked October 2000, and September 11, 2001 soon followed.

Since 2001, attacks, actual and premeditated, have been a constant fact of life across the globe. There have been attacks in Bali, Indonesia in 2001 and 2005, a planned attack in Barcelona in 2003, the deadly attack in Riyadh, Saudi Arabia in 2003, a foiled plot in Istanbul, Turkey in 2003, a deadly attack in Casablanca, Morocco in 2003, a terrible attack in Madrid, Spain in 2004, March 2004, attempted attacks in the Philippines in 2004, the deadly London attack in July, 2005, an attack in Algeria in 2006, an intended attack in Denmark in 2007, and a planned attack in Germany in 2007.

Al Qaeda has also tried to overthrow the governments of Egypt in 2004, Jordan in 2005, and Saudi Arabia in 2007.

Let us not forget the organization functioning in Iraq, fomenting violence and death as they speak, al Qaeda in Iraq.

I found the following summation of events and actors from one contemporary scholar quite informative, and wanted to share with those of you listening this evening. He says this: 9/11 was an epic intercontinental version of the violence Islamists visited upon Algeria and Egypt in the mid 1990s. In other words, it was the culmination of years of failure.

From 1992 to 1996, while Osama Bin Laden and his top deputy, Ayman al-Zawahiri, were based in the Sudan, they, like other veterans of the Afghan jihad, focused on overthrowing apostate, as they called it, Muslim regimes.

Bin Laden's primary foe at that time was the Saudi monarchy which had in-

curred his wrath by inviting the U.S. troops, after Iraq's invasion of Kuwait, for protection against Saddam Hussein. Al-Zawahiri, an Egyptian, was particularly concerned with Hosni Mubarak, whom he had unsuccessfully plotted to assassinate in 1995.

Al Qaeda tried to help Islamists take power in Chechnya, where they had modest success, and Bosnia, where they had none. Gradually, al Qaeda's leaders realized that Islamism was losing its struggle against the regimes of the Muslim world. And as if to underscore this point, in 1996, Khartoum, that is, the Sudanese government, began mending fences with the West. And Bin Laden and al-Zawahiri were shipped off to Afghanistan.

It was there that al Qaeda adds a new strategy. Instead of going country by country, painstakingly trying to build local movements capable of overthrowing individual regimes, it would attack the far away enemy, the United States, in the hope that by humiliating the superpower that guaranteed political order in the Middle East, it would embolden the Muslim masses against their governments.

As was explained in the book, "The War for Muslim Minds", al-Zawahiri was the first al Qaeda leader to switch gears and give priority to the international struggle. The author continues, in an age of satellite television, Zawahiri reasoned, international media attention must replace the patient, close work of recruitment through Islamic charity organizations that in the past had targeted potential sympathizers and militants.

The first sign of this new offensive came in June of 1996, only a month after Osama Bin Laden had arrived in Afghanistan, when a truck bomb exploded outside of the Khobar Towers, a U.S. Army barracks in Saudi Arabia. 2 months later, Osama Bin Laden issued a declaration of jihad against Americans occupying the land of the two holy sites.

In February of 1998, Bin Laden, al-Zawahiri and other Islamist leaders broadened the new jihad, calling, in their words, for the killing of Americans and Jews wherever they may be. Six months later, al Qaeda destroyed the U.S. Embassies in Kenya and Tanzania. The date of the attack, August 7, was no accident, for it was the 8th anniversary of Riyadh's decision to allow U.S. troops on Saudi soil.

Two years later, in October, 2000, al Qaeda operatives detonated an explosive-laden dinghy alongside the USS *Cole*, docked at a port in Yemen, killing 17 of our Marines.

This strategy reached fruition, of course, with the massive attack on 9/11, which garnered al Qaeda more media attention than it could ever have dreamed. Thus we have a general synopsis of al Qaeda's actions and behavior in recent history.

We do not need to dissect the Koran, the Hadith, consult with the Ulama, the Shari'ah, or the Sunnah, to explain

that these actions are beyond the pale of historic civilizational values. Whatever their source, reason and common sense dictate that these actions are hideous, egregious, murderous and unequivocally unacceptable in a civilized world. They would lead directly to local and international anarchy were they to be offered the least bit of implicit or explicit approbation.

Nonetheless, even those who agree with the quoted statement above have many times struggled to properly define our common enemy. Are they representatives of an Islamic insurgency? Do they symbolize a turn to Arabian Fascism, a totalitarian ideology inspired by a mythologic vision of the past which does not attract Arabs only but only those for whom the early Islamic wars of religion and conquest represent a golden age, which aims by force to restore this past not only in the world of Islam but ultimately throughout the world?

Others prefer the term, Islamicism, or Islamist descriptions and categorizations. I don't believe that these are quite precise enough. As Walter Russell Mead stated 4 years ago, we must find a better name for what we are opposing. Islamicism is an ugly term that also silently concedes that Bin Laden's ideology has a claim to be regarded as a legitimate form of Islam.

The phrase "War on Terror" has been the preferred nomenclature of this administration and others. I think it has its deficiencies. As one scholar has written, the War on Terror is a catchy phrase, but a clumsy and misleading one too. In fact, the United States is not fighting a generic war on generic terror. Our concern is with what Robert Art calls grand terror, terrorism like the attacks on the World Trade Center and Pentagon that create devastation and economic dislocation on a scale approximating that of a war.

Currently, the only organizations in the world with both the will and the means to attack the United States on that scale are radical terror groups based in the Islamic world. It is this kind of terror by these people that we are fighting, so says Walter Russell Mead in his book, "Power, Terror, Peace and War: America's Grand Strategy in a World At Risk".

The al Qaeda attacks were more than a hideous act of terrorism. They challenged core elements of American grand strategies in ways that Basque and IRA terrorism never challenged basic elements of British and Spanish security.

Besides endangering the security of Americans in their own hemisphere and nation, the al Qaeda attacks pose a direct threat to the ever closer economic ties the United States seeks to build in the world. The symbolic choice of target, the World Trade Center, indicated a sophisticated mind at work, and the tactic of mass terror was well chosen. The attacks significantly exacerbated a damaging recession, and the potential that terrorists would smug-

gle weapons of mass destruction into New York or other major cities threatened the rapid flow of goods and people on which the American trading system depends.

The stated goal of al Qaeda's leaders, to build a fundamentalist Islamic caliphate in Saudi Arabia that can unite Muslims into a common struggle against the west, using the oil wealth of the region as a key weapon, is a direct threat to the American presence in a region that every president, since Franklin Delano Roosevelt, has seen as vital to the national interests.

While many of the measures that will be taken against al Qaeda and its allies will look more like police work, or at most, covert action by intelligence agencies and special forces than conventional war, the scale of the violence the terrorists are ready to use and the total nature of their demands are more like the actions of a hostile great power than like those of an ethnic resistance movement. Well said, I believe, by Walter Russell Mead.

Because of these stark facts, as just articulated, I prefer the simple term jihadism or radical jihad, for that is specifically about which we are speaking.

□ 1630

As George Weigel argues in his new book, "The War Against Jihadism," jihadism is the "religiously inspired ideology which teaches that it is every Muslim's duty to use any means necessary to compel the world's submission to Islam."

This ideology has nothing to do with a humble commitment to bettering mankind, reflecting on theological inspiration or transcendence, or furthering a collective knowledge of the physical and metaphysical world. No, its identity can be judged by its actions. Its commitment to death, destruction, and chaos, regardless of the victims' gender, education, age, skin color, creed, or socioeconomic status. It is cold-blooded and ruthless. It believes grievances, serious or superficial, are helped to resolve not through consultation, deliberation, and self-government but rather through intimidation, death and carnage.

How can one be so certain of this characterization? How can one attempt to perceive and interpret what guides the hearts and minds of others on our planet? All you or I have to do is simply listen, listen to the words and ideas expressed by such persons.

So let me begin in 1993.

As I have mentioned, it was in that year that the World Trade Center was bombed and several persons lost their lives and 1,000 were injured. The mastermind of the attack, Omar Abdel Rahman, the blind sheik, referred to the cells then as emerging jihad army as the Battalion of Islam. Just a few weeks before the bombing on February 26, 1993, Rahman said at a rally in Brooklyn, New York, God has obliged us to perform jihad. The battalions of

Islam and its divisions must be in the state of continuous readiness to hit their enemies with strength and power.

Nidal Ayyad was one of the Trade Center bombers arrested in March 1993. On his hard drive, the FBI recovered a "claim of responsibility" letter. In it, it says, "We are the Liberation Army fifth battalion. Unfortunately, our calculations were not very accurate this time. However, we promise you that next time it will be very precise, and the World Trade Center will continue to be one of our targets unless our demands have been met." What a shame we didn't listen.

In February 1998, Osama bin Laden published a declaration of holy war against America. He said this: To kill Americans and their allies, both civil and military, is the individual duty of every Muslim who is able. Those are the words of Osama bin Laden in 1998. Jihadist leaders have delineated a terrible difference between themselves and Americans. Shortly after 9/11, Osama bin Laden told a reporter this: We love death. The U.S. loves life. That is the big difference between us.

Afghani al Qaeda operative Maulana Inyadullah has said, "the Americans love Pepsi Cola. We love death." Sheik Feiz Mohammed, leader of the Global Islamic Youth Center in Sydney, Australia, preached these words: "We want to have children and offer them as soldiers defending Islam. Teach them this: There is nothing more beloved to me than wanting to die as a mujahid." Ayatollah Ali Khamenei, Iran's spiritual leader, said in a speech, "It is the zenith of honor for a man, a young person, boy or girl, to be prepared to sacrifice his life in order to serve in the interest of his nation and his religion."

Hassan Nasrallah, the leader of Hezbollah, has said, "We are going to win because they love life and we love death." He's also said, "Each of us lives his days and nights hoping more than anything to be killed for the sake of Allah."

Furthermore, jihadist leaders have been quite explicit about their goals and aspirations. Al-Zawahiri has said, Like our glorious ancestors, the Afghani jihadists believe that they, too, had brought down one global superpower, and now these modern-day knights must recommit their efforts to wreaking havoc on the remaining one, the United States.

One scholar has noted that the contents of one of al-Zawahiri's texts depicted ordinary Muslims as passive, sickly, and devoid of conscience for which the only cure was an apocalyptic jihad.

Then, following the exemplary attacks on the far enemy, unspecified process would lead to the collapse of apostate regimes and the creation of Islamic states. These states would form the core of an Islamic caliphate that would eventually rule the planet.

Osama bin Laden has openly justified the brutality in the innocent deaths of 9/11. He said this: "America and its allies are massacring us in Palestine,

Chechnya, Kashmir, and Iraq. The Muslims have the right to attack American reprisal. The September eleven attacks were not targeted at women and children. The real targets were America's icons of military and economic power."

In the same interview, bin Laden openly discussed his willingness to use nuclear weapons. In October 2001, one month after September 11, bin Laden said, "If inciting people to do that, referring to 9/11, is terrorism, and if killing those who are killing our sons is terrorism, then let history be witness that we are terrorists." He said, "We practice the good terrorism."

The next year Osama bin Laden issued a fatwa authorizing the killing of up to 4 million Americans and specifying in that fatwa that half of them should be children. This he calculated as a proportionate response to the number of Arabs killed by U.S. and Israeli actions, and the only way to really kill on this scale would be with a nuclear weapon.

In relation to 9/11 itself, bin Laden said, "Here is America struck by God almighty in one of its vital organs so that its greatest buildings are destroyed. Grace and gratitude to God. America has been filled with horror from north to south and east to west, and thanks be to God. God has blessed a group of vanguard Muslims, the forefront of Islam, to destroy America. May God bless them and allot them a supreme place in heaven. As to America, I say to it and its people a few words: I swear to God that America will not live in peace before peace reigns in Palestine and before all of the army of infidels depart the land of Muhammad, peace be upon him."

He continued, "On the blessed Tuesday 11, September 2001, they launched their attacks with their planes and in an unparalleled and magnificent feat of valor unmatched by any in humankind before them. Yet with the destruction of the Twin Towers in New York, there occurred an even bigger destruction, that of the American Dream and legend of democracy."

Osama bin Laden and al-Zawahiri have been quite open about their desire to institute a new caliphate. Osama bin Laden has said, "These attacks took off the skin the American wolf and they've been left standing in their filthy, naked reality. Thus, the whole world awoke from its sleep and the Muslims realized the importance of the belief of loving and hating for the sake of Allah; the ties of brotherhood between the Muslims have become stronger, which is a very good sign, a great step toward the unity of Muslims and establishing the righteous Islamic Khilafah insha-Allah."

Al-Zawahiri has said, "the war with Israel is not about a treaty, a cease-fire agreement, Sykes-Picot borders, national zeal or disputed borders. It is, rather, a jihad for the sake of God until the religion of God is established. It is jihad for the liberation of Palestine, all Palestine, as well as every land that

was a home for Islam from Andalusia to Iraq. The whole world is an open field for us.

"Supporting the jihad in Palestine with one's life, money, and opinion is the individual duty of every Muslim because Palestine was a land of Islam that was occupied by the infidels. This means that its liberation and reinstatement of Islamic rule there is the individual duty of every Muslim as unanimously decided by the nation's scholars, and such as the case with every land occupied by infidels."

Examples of jihadist contempt and hatred for the infidels are. Bin Laden has said, "this Is a War of Destiny Between Infidel and Islam" and that "the whole world is watching this war and the two Adversaries; the Islamic Nation on the one hand, and the United States and its allies on the other. It is either victory and glory or misery and humiliation."

He's also said, "O, young people of Islam, follow the orders of O Mighty God, his messenger and kill these people. Follow the example of Muhammad Bin-Musallamah and his companions. Death is better than living on this Earth with the unbelievers amongst us making a mockery of our religion and prophet, God's peace and blessings upon him. Fear God, try to please Him, and do not consult with anyone regarding the killing of those unbelievers."

One al Qaeda stated, "There Will Be Continuing Enmity Until Everyone Believes in Allah. We Will Not Meet the Enemy Halfway and There Will Be No Room For Dialogue With Them Until Everyone Believes in Allah. We Will Not Meet the Enemy Halfway and There Will Be No Room For Dialogue With Them."

An al Qaeda training manual gave "guidelines for beating and killing hostages: Religious scholars have permitted beating. In this tradition, we find permission to interrogate the hostage for the purpose of obtaining information. It is permitted to strike the nonbeliever who has no covenant until he reveals the news, information, and secrets of his people. The religious scholars have also permitted the killing of a hostage if he insists on withholding information from Muslims."

Again, an al Qaeda training manual says, Islam does not coincide or make a truce with unbelief, but rather confronts it. The confrontation that Islam calls for with these godless and apostate regimes, does not know Socratic debates, Platonic ideals, nor Aristotelian diplomacy. But it knows the dialogue of bullets, the ideals of assassination, bombing, and destruction and the diplomacy of the cannon and machine gun."

After a group of Saudis wrote an open letter to the United States expressing their belief that Islam was peace and tolerant, bin Laden wrote in response: "As to the relationship between Muslims and infidels, this is summarized by the Most High's Word: 'We renounce you. Enmity and hate

shall forever reign between us—till you believe in Allah alone.'

"So there is an enmity evidenced by fierce hostility from the heart, and this fierce hostility, that is, battle, ceases only if the infidel submits to the authority of Islam or if his blood is forbidden from being shed or if Muslims are at that point weak and incapable. But if the hate at any time extinguishes from the heart, this is great apostasy! Allah almighty's Word to his Prophet recounts in summation the true relationship: 'O Prophet! Wage war against the infidels and hypocrites and be ruthless. Their abode is hell—an evil fate!' Such then is the basis and foundation of the relationship between the infidel and the Muslim. Battle, animosity, and hatred direct—directed from the Muslim to the infidel—is the foundation of our religion. And we consider this a justice and kindness to them."

That's Osama bin Laden's response to Muslims who wrote an open letter to the United States describing their religion and peace and tolerant, and he rejected that.

Slow debilitating attrition of will and resources in Iraq, and in general, are what jihadists openly desire as well as the importance of Iraq to the impending Islamic rule. Bin Laden said this: "America is definitely a great power, with an unbelievable military strength and a vibrant economy, but all of these have been built on a very weak and hollow foundation. Therefore, it is very easy to target that flimsy base and concentrate on their weak points. And even if we are able to target 1/10 of these weak points, we will be able to crush and destroy them and remove them from ruling and conquering the world."

Osama bin Laden has called Baghdad, "The Capital of the Caliphate," and said, "I now address my speech to the whole of the Islamic Nation. Listen and understand. The issue is big and the misfortune is momentous. The most important and serious issue today for the whole world is this Third World War, which the Crusader-Zionist coalition began against the Islamic nation. It is raging in the land of the two rivers. The world's millstone and pillar is in Baghdad, the capital of the caliphate. Al-Zawahiri has stated, "So we must think for a long time about our next step and how we want to attain it. It is my humble opinion that the jihad in Iraq requires several incremental goals."

"The first stage: expel the Americans from Iraq; the second stage: establish an Islamic authority or amirate, then develop it and support it until it achieves the level of a caliphate—over as much territory as you can to spread its power in Iraq . . . the third stage: extend the jihad wave to the secular countries neighboring Iraq. The fourth stage: It may coincide with what came before: The clash with Israel, because Israel was established only to challenge any new Islamic entity.

□ 1645

Bin Laden added: "Finally, I'd like to tell you that the war is for you or for us to win. If we win it, it means your defeat and disgrace forever as the winds blow in this direction with God's help."

So the war in Iraq, according to bin Laden, is "a war over the destiny of the entire worldwide Muslim community."

Also in Iraq, Abu Musab al-Zarqawi was responsible for three lethal hotel bombings in Amman, Jordan, numerous beheadings, including that of Nicholas Berg, the bombing of the United Nations headquarters in Iraq, where 22 perished, the murder of Ayatollah Muhammad Baqr al-Hakim, a revered cleric, in a car bomb that killed him and over 100 people outside Shia Islam's holy shrine in Najaf.

In the background of one of this murderer's filmed beheadings was the trademark black banner of al-Zarqawi's newest group, al-Tawhid wa al-Jihad, or Monotheism and Jihad.

Jihadist leaders have not been ambiguous in their characterization of the United States. Hezbollah leader Nasrallah has said, "Let the entire world hear me. Our hostility to the Great Satan is absolute. I conclude my speak with a slogan that will continue to reverberate on all occasions so that nobody will think that we have weakened. Regardless of how the world has changed after 11 September, death to America will remain a reverberating and powerful slogan: Death to America."

Iranian President Mahmoud Ahmadinejad has said, "Undoubtedly, I say that this slogan and goal is achievable, and with the support and power of God we will soon experience a world without the United States and Zionism and will breathe in the brilliant time of Islamic sovereignty over today's world."

"Open your eyes and see the fate of Pharaoh. Open your eyes and see what happened to the Portuguese Empire, see the final fate of the British Empire. I'm telling you"—referring to the major powers—"if you do not abandon the path of falsehood and return to the path of justice, your doomed destiny will be annihilation, misfortune and abjectness."

Again, Ahmadinejad said, "The anger of Muslims may reach an explosion point soon. If such a date comes, they—referring to the Western governments—should know that the waves of the blast will not remain within the boundaries of our region and will engulf the corrupt powers that support this fake regime too."

In relation to America, Osama bin Laden has said, "It's been made clear during our defending and fighting against the American enemy that this enemy's combat strategy is heavily dependent on the psychological aspect of war due to its large and efficient media apparatus, and of course its indiscriminate aerial bombing which hides the

cowardice and lack of fighting spirit of the American soldier. Likewise, let me remind you of the defeat of the American forces in Beirut in 1982, soon after the Israeli invasion of Lebanon, when the Lebanese resistance was personified by the truck laden with explosives that struck the main military base of the U.S. Marines in Beirut, killing 242 soldiers—towards hell was their destination, and what an evil destination that is." Bin Laden continued, "We found that out from our brothers who fought the Americans in Somalia. They did not see it as a power worthy of any mention. It was the big propaganda that the United States used to terrify people before fighting them. Our brothers, who were here in Afghanistan, also tried the Americans. God gave them and the mujahideen success in Somalia, and the United States pulled out, trailing disappointment, defeat and failure behind it. It achieved nothing. It left quicker than people had imagined."

Al-Zawahiri added, "This is the fumbling that precedes the defeat. Bush and Blair are hiding the true disaster they're facing in Iraq and Afghanistan. They know better than others that there is no hope in victory. The Vietnam specter is closing every outlet."

These thoughts should give us pause, and they remind us of how irrational and bloodthirsty are enemies truly are. After all, are any of Osama bin Laden's complaints really meant to be sincere? He complained about economic sanctions against Saddam Hussein. Well, did he encourage Saddam Hussein to abide by the U.N. resolutions to accelerate the cessation of such sanctions? He complained about U.S. troops in Saudi Arabia. Did he offer his advice to persuade Saddam Hussein to change his ways so that U.S. troops could leave Saudi Arabia? He criticized U.S. support of oppressive regimes. Has he spoken out forcefully for minority rights, democratic freedoms, the strengthening of civil society, the rule of law and economic transparency?

He criticized U.S. support of Israel. Has he in any way issued thoughtful statements outlining a path forward towards peace, articulating areas of compromise and concessions that can be worked out on both sides of the Israeli-Palestinian divide?

He has criticized American pressure on OPEC to keep oil prices low. Besides being contrary to the petroprofits which demand provides, which would be in his economic self-interest, has he spoken up for responsible economic policies such oil-producing states could turn to in order to turn their back on the need to produce oil? If he is so critical of America's demand, does he thus support ending OPEC's monopolistic tendencies so that other consumers can rightly partake in the legitimate capitalist practice of supply and demand?

He has criticized the United States for being in Afghanistan and Iraq. Has he offered any thoughtful solutions to those two geopolitical challenges?

Surely a man who has criticized President Bush for not signing the International Criminal Court and for America's campaign finance problems can muster the intellectual strength to offer such astute suggestions as must be at the brim of his cerebral storehouse of knowledge.

But we know the answers to these questions. Osama bin Laden has no desire to do any of these obvious suggestions, they're merely a mirage for his murderous ideology. As Hassan Butt, a former jihadist, explained, "I was a fanatic. I know their thinking. When I was still a member of what is probably best termed the British Jihadi Network, I remember how we used to laugh in celebration whenever people on TV proclaimed that the sole cause for Islamic acts of terror like 9/11, the Madrid bombings and 7/7 was Western foreign policy." He adds, "By blaming the government for our actions, those who pushed this 'Blair's bombs' line did our propaganda work for us. More important, they also helped draw away any critical examination from the real engine of our violence, Islamic theology."

Now, I would not call it "Islamic theology." I myself would call it jihadism or radical jihad to make clear what Rudy Giuliani said some 4 years ago. He said, "Those who attacked us on 9/11 not only hijacked airliners, but they hijacked a noble religion." And we ought to keep that in mind.

As we've recently been debating in this war, the nature of intelligence has changed, but it is still indispensable. It's an essential element of any effective risk assessment. If we're going to effectively be able to protect ourselves against terrorist attack, we need to be involved in risk assessment. Risk assessment simply is looking at threat, looking at vulnerability, looking at consequence.

We can look at vulnerability and consequence with the information that is at our disposal, within our grasp, that is, when we try and figure out vulnerability, we look at perspective targets of the enemy, and we can assess what our vulnerabilities are. We can look at a dam, we can look at a building, we can look at the Capitol and we can say, what are the possibilities of attack here? How can we protect ourselves against those areas that we have not defended or thought of defending in the past?

Consequence. We can do models ahead of time to figure out what the consequence of an attack would be against the Capitol, against a dam, against a set of highways, against a number of large buildings in a metropolitan area and so forth.

What we don't have within our own information base is the third part of a risk assessment, that is, what is the threat? Because the only way we can determine the threat is by gathering information from the enemy; in other words, intelligence gathering; in other words, listening in on what the other

side has to say; in other words, capturing their communications.

And it's not easy; intelligence gathering is difficult. And as pointed out by some in that arena, all intelligence bureaus get things spectacularly wrong much of the time, which just goes to the point of how difficult it is to be able to gather the information, analyze the information, draw conclusions from that information, and then make sure that in a timely fashion we distribute that information or the conclusions that we've obtained from them.

In fact, one of the reasons we didn't prevent 9/11 is simple: Neither the CIA nor its intelligence agencies, Western or Muslim, had a spy or an informant inside al Qaeda's command structure. And the stark reality is that our human intelligence against al Qaeda and other Sunni militants will probably never be as good as what we had against the Soviet system during the Cold War.

Nevertheless, the importance of intelligence is why I've been working so hard to find a long-term solution to our surveillance situation. As one distinguished Member of the other body has said, without a long-term solution, "the quality of the intelligence we're going to be receiving is going to be degraded. It is going to be degraded. It is already going to be degraded as telecommunications companies lose interest."

In a letter dated February 22 of this year, Director of National Intelligence Mike McConnell and Attorney General Michael Mukasey both wrote to the chairman of the House Intelligence Committee. In it they said this: "We have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act." What were they talking about? Well, let me explain.

In testimony before the House Judiciary Committee, Admiral McConnell, the Director of National Intelligence, stated that prior to the enactment of the Protect America Act—that is the FISA fix that we did last August which has now been allowed to expire—"we were not collecting somewhere between half and two-thirds of the foreign intelligence information which would have been collected were it not for the recent legal interpretations of FISA which required the government to obtain FISA warrants for overseas surveillance."

Admiral McConnell said he came onto his job coming out of the private sector to return to government service with the responsibility of collecting information, that kind of information that would provide us with forewarning of what the terrorists intended to do. But he discovered that as a result of a decision made by the FISA court which changed the rules of the game because of technology changes, we were unable to do the job that he was given the responsibility for. Think about that. We had blinded ourselves to somewhere between one-half and two-thirds of the le-

gitimate foreign intelligence targets that otherwise we would have been looking at. Now, we had the Protect America Act, which was the fix for FISA, Foreign Intelligence Surveillance Act, and that was in effect from the end of August until February 16 of this year. And what happened after it expired? Admiral McConnell and Attorney General Mukasey said, "Because we've allowed it to expire, we have lost intelligence this past week as a direct result of the uncertainty created by Congress' failure to act."

Now, we've heard some say that really that's not true because all of those intercepts that were in effect as a result of the new law that we had from the end of August until February continue in effect for a year, and that happens to be true. But that only solves part of the problem because, unless one believes that al Qaeda and its affiliates and its associates around the world have put their feet up on the desk and said, you know something, we're not going to plan anything else because the Congress can't listen in on what we're doing, unless that's a reality, we have put ourselves at jeopardy because we don't know what we don't know. We don't know the kinds of information that otherwise we would be able to gather, the kind of information that has allowed us to protect ourselves. That's why many of us on this floor have come and said, well, why not pass the bipartisan Senate FISA bill now?

We have almost every Member on this side of the aisle who is committed to it, and we have, I think, over 20 Members on the Democratic side who have, in writing, said they support it. Together, that is more than a majority in this House. So in other words, we could form a majority if we brought that bill up on our next legislative day that would allow us to accept the Senate bill. And we could have it signed into law by the President and we would no longer find ourselves as vulnerable as we are today.

Congress should act because we are in the legislative branch and have the responsibility to act. Let me repeat that. Congress has the responsibility to act. These issues should not and were not intended to be left to unelected, more cumbersome aspects of our government. They're inherently about legislating and about us, representatives of the people, doing our duty to protect the people.

□ 1700

After all, as Andrew McCarthy said in a National Review article dated March 4 of this year, "At bottom the dispute over the warrantless surveillance program is about the division of power between the political branches: Is it the executive or the legislative department that has ultimate authority over foreign intelligence collection? By nature that is a political question, not a legal one. In our system such issues are supposed to be worked out through the normal democratic process: legisla-

tion and elections. They are not the province of lawsuits in which, A, the public's interest is purportedly represented by groups like the ACLU, which, let's face it, holds views much different from those of the American people at large, and, B, the final policy determination is made by the judiciary, that is, the unaccountable non-political branch . . . The genius of our system is that it does not draw many fixed, immutable lines between executive and legislative authority or between liberty and security. We have the capacity to ratchet up or down depending on threat conditions. We rely confidently on our politics and the sound judgment of the American people. Voters can remove a President or lawmaker who strikes the wrong balance."

I have taken the time to speak on these threats today because I believe unequivocally that they are real threats. They are why I have worked so hard to pass legislation such as the bipartisan SAFE Ports Act of 2006. There are legitimate threats out there to which we must respond. But I must say there are those who take an opposite view.

Recently one commentator, Michael Hirsh, in the Newsweek Web Exclusive of February 21, asked his readers this: "Think about this for a moment. A small group of ragged American haters, who had one lucky day of mass murder nearly 7 years ago, will continue to define the foreign policy of the lone superpower for years, possibly decades to come. There's something wrong with this picture. Yes, we can all agree that 9/11 was one of the worst moments in American history. And we can certainly agree that al Qaeda must be completely eliminated. But the group has never come close to duplicating 9/11. Even the train bombings in London and Madrid that were attributed to al Qaeda-inspired cells were minor in comparison . . . The rational policy would be to replace the overblown 'war on terror' with what we should have been engaged in every day since 9/11: a war of annihilation against al Qaeda, an all-out effort to rid the Earth completely of the small, lunatic group that attacked us on that day. This is a task we should apply ourselves to fully, at long last. But it is absurd to assign the term 'transcendent challenge' to such a band of murderous anarchists, who have about as much hope of achieving their grand dream of turning the Middle East into an Islamist caliphate as scientists have of proving one day that the moon is made of green cheese. Terror cells may be spreading, but their ideology, such as it is, keeps dying every time it is exposed to the open air. Even in the tribal regions of Pakistan, safe haven to the newly regrouped Taliban and al Qaeda, voters last week turned out radical religious groups because of their ineffectiveness. Al Qaeda and related terror groups are hardly the 'heirs' to communism and totalitarianism, as Bush has described them."

With all due respect, I profoundly disagree. Does anybody believe, for instance, that Libya, with its leader, gave up its nuclear weapons, its weapons of mass destruction, because they just wanted to sit down and reason together? Is it by accident that Libya, Khadafi, changed their position after we moved aggressively to respond to terrorism in the Middle East? I think not. And with all due respect, I do believe these threats I've outlined here today are real and that they are the heirs to communism and totalitarianism. And while their victims may not as yet add up numerically to the quantified brutality of previous dictators and killers, nonetheless, their potential to do equivalent destruction is without question. The focus on "one lucky day," while disrespectful to the other victims of jihadism before and after 9/11, cannot be allowed to turn into "many" lucky days.

We also have a situation today where the possibility of obtaining a nuclear weapon and exploding it in a metropolitan area cannot be swept off the table as unthinkable. In fact, we ought to be thinking about it every day and thinking about how we prevent it.

We have seen and can envision without straining credulity what would happen in our large cities and our places of governance or commerce were other attacks such as 9/11 to be initiated. What would happen to us all, urban and rural, large and small, men and women, east and west, north and south, if our dams, our transportation structure, our trains, our subways, our purification system, our ports, our electrical grids, or our energy sources were to be maliciously struck? The results, both real and psychological, would be catastrophic.

Nevertheless, we must not give in to fear. Instead, we must think about what victory will mean in this confrontation, and whatever the definition of our terms of multifaceted success, we must continue to properly consider the possibility of what success means to al Qaeda. Those in the United States may not have an agreed theory of victory or path to get there, but Osama bin Laden and his cohorts certainly have. Bin Laden's goal, as he; his deputy, Ayman al-Zawahiri; and others have often articulated, is to drive the United States out of Muslim lands, topple the region's current rulers, and establish Islamic authority under a new caliphate. The path to this goal, they have made clear, is to "provoke and bait" the United States into "bleeding wars" on Muslim lands. Since Americans, the argument goes, do not have the stomach for a long and bloody fight, they will eventually give up and leave the Middle East to its fate. Once the autocratic regimes responsible for the humiliation of the Muslim world have been removed, it would be possible to return to the idealized state of Arabia at the time of the Prophet Muhammad. A caliphate is in vision from Morocco to Central Asia, sharia rule

prevailing, Israel destroyed, oil prices skyrocketing, the United States recoiling in humiliation and perhaps even collapse just as the Soviet Union did after the mujahideen defeated it in Afghanistan. These are their goals, and these are the goals we must understand if we are to be successful in defeating al Qaeda.

Remember, they warned us prior to 9/11 as to what they intended. They issued a fatwa. They said they would go after the World Trade Center once again. And we, as a Nation, didn't take them seriously enough.

We are facing a strange ruthless "hydra-headed" enemy. As some have recently demonstrated in their research into the biographical backgrounds of jihadists, many of these individuals are simply driven by individual alienation and group dynamics, while, as I have pointed out, the leadership often has more ideological views. These differences must be exploited. Also, as the RAND Corporation has recently reported, our ability to help states with their counterinsurgency measures has to be greatly enhanced.

So, Madam Speaker, whatever the means, whatever the solutions, whatever the minor delineations between the terror-using groups, whatever the tactics we must use, we must take this jihadist threat seriously. It is our first duty as representatives in a constitutional government and as trustees charged with preserving and protecting our Constitution, which upholds our equal natural rights as citizens in this great land and as a part of this esteemed republic. Let us be wise. Let us be discerning. Let us be steadfast. Let us uphold our Constitution. And in the end, let us be successful.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 493. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1315. An act to amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Madam Speaker, it's an honor for the 30-Something

Working Group to come to the floor once again. As you know, I'm a proud Member of the "Something" part of that 30-Something.

I yield to my colleague from the great State of Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Madam Speaker, I know that the gentleman from Florida, and I appreciate his yielding, is going to spend the bulk of his time here on the 30-Something Working Group talking about gas prices and the increase that we have seen and some things that this Congress has done to address the issue.

And I wanted to talk a little bit about the energy bill that we passed last year and the debate that took place along the way, one of which was what we should do about these taxpayer subsidies, \$14 billion, that we're giving to the big oil companies at a time when they're making all-time record profits, your money and mine, taxpayer subsidies.

And it's clear that with oil at \$117 a barrel and rising that ExxonMobil does not need taxpayer subsidies. They're going to make their money. They're doing quite well. They just set the all-time record for profit in one quarter in the history of American business. So there is no need for them to have that subsidy, and the majority of this House overwhelmingly agreed. Last year not once but twice, we passed legislation out of this House, in 2007, sent it over to the Senate, that would say that we are going to redirect every penny of that \$14 billion away from the big oil companies and into research and development on alternative sources of energy, alternative fuels. And what we sent over to the Senate was legislation that had bipartisan support in this House.

Now, we sent it over to the Senate, and, unfortunately, as the gentleman from Florida knows, the rules in the Senate are different than the rules of the House. So they have to have 60 votes to bring a bill to the floor, and they didn't have the 60 votes to bring it to the floor, but they had enough to pass the bill. But the point of this is we in this House took affirmative action, not once but twice, to find alternative sources of energy, to create a national commitment, and to provide the funding that's necessary for R and D on alternative sources of energy.

But that's not all that this House has done. Today the leadership of the House called on President Bush to stop filling the Strategic Petroleum Reserve. Now, that's something that I sent a letter to President Bush about last month and something that would save from the price of gas between 4 and 24 cents. Now, that's not going to make the difference. When gas is at \$3.55 a gallon, 24 cents may not seem like a lot. But at least it's an affirmative step in the right direction that we need to recognize, A, that we do have the responsibility in this country to do

everything that we possibly can to relieve the burden on individuals, families, and businesses in this country and that burden that has been brought upon them by the incredible increase in gas prices. And what that is going to do is, for the temporary time being, lower costs a little bit, which is going to make a difference for families in this country. It's not going to solve the problem. It's certainly not a long-term solution. But it's something that we all can agree on in this Congress is a necessary step to suspend shipments into the Strategic Petroleum Reserve. That's something that President Bush has not joined us in yet, but I'm hopeful that we will be able to work together and find solutions to the problem.

Now, we, last year this Congress, passed a number of other pieces of legislation dealing specifically with rising gas prices, trying to head them off. We voted to hold OPEC accountable for oil price fixing. It passed this House 345-72, overwhelming bipartisan support. It faces the threat of a veto on the other end of Pennsylvania Avenue. We voted to crack down on gas price gouging. That passed 284-141, overwhelmingly bipartisan; yet the President, again, has threatened to veto that legislation. As I talked about, we voted to repeal the subsidies of the big oil companies at a time when they're making all-time record profits and redirect every penny into alternative sources of energy. Unfortunately, that faced a veto threat, and we were unable to get it through the Senate.

But what did become law, and at this point I would turn it over to the gentleman from Florida, was our new energy independence law, which, for the first time in 30 years, increased the cafe standards, the miles-per-gallon average that we see in our cars that are made in this country, for the first time in 30 years, from an average of 24 miles per gallon to an average of 35 miles per gallon. That by itself, when it's fully phased in, is going to save the average individual in this country about \$1,000 a year on their fuel bill. That is real reform, and that is something that this House did, working with the Senate. We sent it to the President. He signed it. And that's something that we can definitely look forward to in the future. Now, again, that is not by itself going to lower the price of gas. The Strategic Petroleum Reserve shipments that we are talking about is going to have an impact but not a long-term impact. The only thing that we can do to solve this problem in the long term is to get ourselves off of oil. That's what this should be about. And we do have a healthy debate in this House and among our colleagues on how to achieve that.

There are some folks who believe that the issue is entirely supply and that we should spend our money at the Federal level in ways that will further our dependence on foreign oil. Build more refineries, drill in the Arctic Na-

tional Wildlife Refuge, drill off the coast of Mr. MEEK's Florida, drill in the Outer Continental Shelf, that is one school of thought. And those are folks in this House that have the intent to bring down gas prices. They definitely have good thoughts in mind on that.

□ 1715

We just have a very strong disagreement. We don't question their motives. We just believe there's a better way. That is to use every penny that we spend in this country, whatever dollar amount that may be, on alternative energy. Whatever we determine to spend, spend it all in getting us off of oil. Don't spend one penny in furthering our dependence on oil because that is not going to solve the problem in the short-term and certainly not in the long-term.

So that is the difference of opinion that exists, should we invest in research and development and finding an alternative source of energy, getting us off of oil, or should we invest on the supply side for today in a way that is going to further and even deepen our dependence on oil. That is the debate that exists in this House.

So at that point I would thank the gentleman from Florida for his strong leadership on this issue, for allowing me the time to speak, and I would turn the time over to Mr. MEEK from Florida.

Mr. MEEK. Thank you, Mr. ALTMIRE. I want to thank you so very much for coming to the floor. You have to run back and do the work for your constituents back in your district.

Madam Speaker, I am going to do an abbreviated 30-Something today. Last night, we were on the floor talking about a letter that our friends on the other side, Republican colleagues, wrote to Speaker PELOSI. It was just, based on the information that I received from the letter and some of the reading that I have done and the research that we have done here on the 30-Something Working Group, I just had to come back today to finish making the point. So I think it's important, since the letter from the Republican leadership is talking about how we need to work together in a bipartisan way.

Madam Speaker, I know that you have heard me before say that bipartisanship is only achieved when the majority allows it. I have said that in the two previous Congresses, hoping that Republican leadership will work with the Democratic minority at that time to achieve this bipartisanship. We have worked time after time here on this side of the aisle to make sure that we can include Republicans and all Members of the House in good legislation.

The legislation dealing with price gouging on the military contract that was on the floor yesterday; unanimous vote. Never would have made it if it wasn't for the Democratic leadership allowing it to come to the floor. That

bill would have never seen the light of day, leave alone the crack under the door, if we were under the Republican leadership that we used to be. But I am so glad that the American people found it fit to make sure that we allow Democrats to be in charge of this House so that those kinds of pieces of legislation were able to get to the floor.

As you know, Madam Speaker and Members, I always remind the Members of the daily report on what's going on in Iraq. We had a lot of chest beating going on in this chamber for about 4 or 5 years of who loves the troops, who supports the troops, and all of this and all of that and going back and forth. I have a tattoo on my arm saying I support the troops. That is not what they are looking for.

But I think it's very, very important that the Members realize as we end our legislative business for this week and as we start our legislative business for next week and as we go home to talk to our constituents this weekend, I think it's important for us to reflect on the real reality of what is going on with so many military families' communities.

As of today, April 24, we have the total number of deaths out of Iraq, 4,046; the total number of wounded in action and returned to duty, 16,520; and the total number of wounded in action, not returning to duty, is reported at 13,309. That number could have gone up since we last checked. But I think that it's important that we continue to put that into the RECORD so that people can reflect on our efforts in trying to draw down our troops in Iraq but making sure the necessary personnel stays there, a very small number, not 142,000 that is there now, and above.

I want to, Madam Speaker, pick up where I left off last evening. I think it's important because there was some action on the floor yesterday and I didn't want any of the Members to get confused when they go back to their district saying, Well, I voted on a motion to recommit, which, as we know, which is a procedural motion here on the floor, that really didn't make a lot of sense and really was counter-productive versus productive. We had a debate here, and it's nothing wrong with that because we can go back and forth. But let's go back and forth on fact and not fiction.

What I did not have last night, Madam Speaker and Members, what I have right now is the actual letter that went to the Speaker from the Republican leadership on this very issue. But I had to go further and we had to make sure that not only we had the letter that went to the Speaker and read that letter and the full text. I can contest to two pages. You have all of the Republican leadership that is elected. I won't call any names out. You know who they are.

They wrote this letter to the Speaker and in this letter it talks about how 2 years ago this week you stated that House Democrats had a commonsense

plan to lower gas prices. In light of skyrocketing gas prices affecting the working families, and it goes on, the public sector, and it says to date the national average stands at \$3.51 a gallon, and according to AAA, it's \$1.18 higher than it was before the 110th Congress started. Then it goes on to say, More than 50 percent increase. It goes on and on and on. And, once a nightmare scenario, \$4 a gallon is now very real and possibly becoming reality in the summer. Now let me just say this. I also owe credit to the Republican leadership. They said, We are looking forward to working toward a commonsense plan.

Well, that's the letter. In the release, Madam Speaker, they go on to say, using words like, House Republicans stand ready to work with Democratic colleagues in a bipartisan fashion to address America's energy prices. Another line I want to take out, And in light of skyrocketing gas prices affecting working families in an economy that is struggling, we stand ready to assist.

Now I just wanted to read that and I just want to point to what the facts are. Now I can go back to my office and write a letter that I feel good about, even if I didn't want to fact check it. I can go and say, Well, let me see; let me write a letter that makes me feel good as an individual. Well, I mean that is fine if I am writing it to a friend of mine that I went to college with and we are going back and forth about our different opinions on politics or whatever the case may be.

But when you're a part of the leadership of the United States Congress and you write a letter to the Speaker to make a point on the floor on a motion to recommit to say I wrote you, and have the Members here thinking goodness, am I voting the right way or the wrong way, when the evidence in your voting record doesn't stand towards what you said you want to do, or that you would like to do if you have the opportunity to do it.

Yes, gas prices are high. I said last night that many of my friends on the other side of the aisle, they are real people too. They have to put gas in their tanks too. They have constituents that are sitting there trying to figure out, playing what I call the gas pump game, trying to stop at \$10 and make it to work, and you have a little bit over, 2, 2½ gallons, maybe 3, if you're lucky. I know those individuals. I know what it means to sit at the dining room table, trying to figure out what you're going to pay and what you can't pay because the gas price has gone up, you have children, you have bills to pay, leave alone trying to pay for college.

Let me just make this quick point. I didn't have this last night, Madam Speaker, but thanks to the 30-Something Working Group and the people that support us, they blew this up for me because I wanted to make the point a little clearer because I like to break

this thing down so all the Members know exactly what is going on.

Now I would say that the folks that assist us in getting together, they went a little further, making sure we had the names and signatures on the letter. I like to cover those names and signatures because I can tell you at the 30-Something Working Group we never individually pointed any Member of Congress out as it relates to what we disagree with them. So I want to continue with that philosophy as part of the leadership of the 30-Something Working Group. But I just want to make this point.

Now this goes down the Republican leadership. You can read the letter, and you can probably get the letter somehow under all of this transparency we see now, especially for the Members, and if the Members want to get a copy from me, I will be more than happy to supply you with it if you were unaware of your leadership wrote this letter.

We had a piece of legislation that Mr. ALTMIRE talked about on the no oil producing and exploitation cartels. That is H.R. 2264. This legislation enables the Department of Justice to take action against OPEC-controlled entities for participating in oil cartels that drive up the price of oil globally and in the United States.

I am just going to point to right here. It goes from the top of the power, down to the bottom, voted no. That is no. Second in control voted no. The fifth in control voted no. Going all the way down, they all voted no against that.

Now that is something to give our Department of Justice the teeth it needs to go after those individuals that are not holding the interests of the American people, and they are holding greed. They voted no on it. I don't understand it because I want to make sure when individuals come to this floor, and it's a legitimate argument, I don't have any issues with it. But I want to make sure that the Members know if you're going to come to the floor, come right. If you're going to come right, make sure that you're not trying to fake anybody out. Because 30-Something Working Group is going to be on the floor and we are going to set the record straight. I just want to make sure that folks understand that this is serious business, because my constituents are paying too much for gas and we are up here trying to do something about it.

The Energy Price Gouging Act, H.R. 1252. This legislation empowers the Federal Trade Commission and gives it the authority to investigate and punish those who artificially inflate energy prices. Again, this is the Democratic Congress, just exactly as the Speaker said that we would do to drive gas prices down. What happened on that second piece of legislation? No. Second in control, no. Third person in control of the Republican conference, no. Fifth person, no. No, no, no. And they all signed the letter talking about what are you going to do about gas prices.

I just want to make sure that this is serious. Renewable Energy and Energy Conservation Act, a tax act of 2008, that is H.R. 5351. This bill will end unnecessary subsidies to big oil companies and invest in clean and renewable energy and energy efficiency. It also expands tax incentives for renewable energy programs.

I tell you, we want through for clean sweep on that one because that was taking money out of the pockets of those that have made record profits worldwide. Clean sweep here, folks. I am going to say Members. Clean sweep. I just want to make sure. From the top, all the way to the bottom, no. I guess that was the ultimate insult to those that had been celebrating the protection of the Republican Congress for so many years, and now the Democratic Congress is now elected and we are doing what we said we would do if we had the opportunity to do it.

Now we are going green instead of going into profit making for big oil companies. The protection is no longer there. I have no problem with Mobil or any of them out there. I don't have any problem with them. I mean they are businesses, and I don't think that profits are a bad word.

□ 1730

But when you have the former Congress in the front seat protecting and have your back versus the American people, I got a problem with that. And so I think that it is important, and that is the reason why I came back here today on this last day of our legislative business to point this out.

Clean sweep. Clean sweep. Every last one of the Republican leadership voted no against that legislation. And I am going to make a point on that piece that I am going to point out this last vote. But I am going to make a point on why this clean sweep did not make sense as it relates to the policy of the vote that took place from the entire Republican leadership.

The market manipulation provision in the Energy Independence and Security Act of 2007. It goes on that it was signed into law in December, and this deals with the wholesale price of gasoline and petroleum, and required the Federal Trade Commission to enforce and punish those. Again, that is part of the market manipulation scheme.

The top voted no, and next two in charge I assume voted yes. And then the rest voted no, all the way going down to the bottom of the Republican leadership that voted yes. So we have six of the Republican leadership voting no, and we had three of the Republican leadership voting yes.

I said all of that to say that if we are going to sign a letter, you have got to fact check your own voting record if you are going to try to make a statement and put a press release out to the media to say that we are pushing them. It may look good on the website, but you don't want to put this on your website, because it doesn't speak toward the words.

Now I am going to tell you the reason why. Where is that chart? I need my chart on how many leases that are out there and what has happened.

Madam Speaker, we love charts here in the 30-Something Working Group. This is what we do.

This chart here shows how many leases that are out there and how many wells that are actually out there. On the red part is actually the leases. And you can see from 1994, here are the leases. These are the actual wells that are out there.

Well, under the Republican leadership of the previous Congress and the one before that, those are the ones I can attest for, because I was here. They did all they could to continue as many leases as they could. You know, we want to give it. If big oil wanted it, they can get it. It was an open door policy. Whatever you guys want, we want to take care of it.

I have another chart to talk about, the 2001 meeting that took place in Vice President DICK CHENEY's office, this energy conference that took place and how it took off for big oil and how it went against the American people.

But as you start looking at the drilling leases now, you see all the leases that are there and we see all of the wells that have been drilled and we see gas prices going up. So to say more leases, more drilling is better, it doesn't speak to that. That was the old strategy, Madam Speaker and Members, that the Republican leadership used to take. Give them what they asked for and gas prices will go down.

Well, that has not worked. So for the pot trying to call the kettle black, or saying Democrats have been doing something bad or something like that, or you haven't done anything, you can't forget that the President of the United States is a Republican too and has been a part of what the American people are experiencing.

Now, let me just share this with you. I had this chart last night, but I want to bring it out again because some of the Members might not have been up last night at 10 p.m. I was.

May 16th of 2001. You heard me refer to the White House energy plan that was submitted. This is Mr. CHENEY's task force. They were meeting. And I believe also this is a quote. "If you look at future prices with respect to gasoline, they will appear to be headed down." This what was said out of the White House at that particular time. But you can see it had a reverse effect on what the American people were told at that time. Gas prices continued, as you see the goal here, to go up.

Here is the meaning of the meeting here, I believe somewhere around June of 2005, of course, our leader with the Saudi Arabian king there, trying to build relations hopefully that we were all hoping would drive gas prices down. But as you can see, they continued to go up, and oil sets a new record above \$119 a barrel and the retail gas raises to the national average of \$3.51. Some

people may say, where are you buying that gas, because that is cheap. That is an AP report of 4-22-08.

I think it is important that we look at this chart. I hope that we can put this chart on our 30-Something Working Group website. It is not there yet, I don't think, but we will get it on there. Hopefully by the end of this week we will have it up, if Members want to pull that down and take a look at it.

Now, again, I am stating the obvious. January 22nd, 2001, \$1.47; today, \$3.53. That is as of 4-23-08. So we know that is today where we are on the gas price. And that source is AAA. Can we put that on our website, too? That would be very helpful.

I think what else is important, Madam Speaker, as I start to come in here for a landing here, the average price per gallon of fuel paid by the U.S. military units in Iraq is \$3.23 a gallon. That is how much they are paying. That is an AP fact from the Associated Press. That is 4-22-08. Then it goes on, the price per gallon of gasoline for Iraqi residents is \$1.36, and that is the AP on the same date, on 4-22-08.

Let me just finish with two other points here. The cost for fuel the U.S. military consumes per month is \$153 million, and oil revenues that the Iraqi government is expected to take in this year is \$70 billion.

Now, this leads to another point. If I had enough time I would make it, but I am going to cut my 30-something piece short today, because if I was to start talking about the Iraqi government, and that is the whole failure of the whole piece, what they are not doing to assist us. Because when you look at it, I think the U.S. military should be paying the price that Iraqis are paying.

Since we are over there carrying out this great deed, why are we spending \$3.23 a gallon? I don't know why. And when we have just average Iraqis that are not taking the incoming that our troops are taking—they are paying a price, the Iraqi civilians, I must add—but the individuals that have to go out there on that midnight shift to protect the streets of Iraq are paying \$3.23. I mean, we are just in the business of making sure that Americans pay more than anyone else.

So I am just going to put it that way. I just want to lay that out. Maybe somebody at the White House may hear me and may call somebody over in the parliament over in Iraq, if they are meeting, if they even have a quorum, to be able to deal with that issue.

This issue as it relates to gas is something that is very personal to many Americans. Again, I just want to make sure that the record was set straight on the CONGRESSIONAL RECORD as it relates to what Democrats have done to bring down gas prices. But, of course, we do not have the presidency of the United States, not as of yet, to be able to fulfill the total reality of how do we move towards alternative

fuels, how do we go greener, even greening the Capitol.

Madam Speaker and Members, when I come back to the floor next week, I believe it will be Wednesday, I want to talk about the initiatives that we have going on right here in this Capitol, all the way down. I just wrote an article for one of the local publications here in Washington, D.C. talking about what we are doing.

Think about it. Greening the Capitol was not even a discussion until we, and when I say "we," the Democrats took control of the House, empowered by the American people. I will talk about that, and I will maybe enter it into the CONGRESSIONAL RECORD so it will be there to highlight exactly what the House Administration Committee and other committees that the Speaker has appointed to deal with this very issue are doing.

But, in closing, if you are going to send a letter to the Speaker, the Republican leadership, if you are going to send a letter to the Speaker, make sure you fact check your own letter. That is the message of today. And if you don't fact check it, I guarantee you that those of us that are in the Capitol will find the time to do it, especially on an issue that hits such a chord with so many Americans.

So, let's try to vote together. Let's try to work together. Let's try to resolve the problems of everyday Americans as it relates to the economy, as it relates to health care, as it relates to what is going on in Iraq together. Let's not stand in the schoolhouse door and then, you know, write a letter and say, oh, well, we don't know what you guys are doing. We would love to be a part of it. I don't know why you are sitting on your hands. You said 2 years ago you would do something. You haven't done it as of yet, as though we are working hand-in-hand. When I say "we," I am talking about the Republican leadership, and making sure that we achieve that.

Madam Speaker, with that, it is always an honor coming before the House. It is always good bringing this great information. I would like to thank the working members of the 30-Something Working Group and our staff.

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2008.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 841(b) of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 10-181), I am pleased to appoint Mr. Dean G. Poppo of Virginia to the Commission on Wartime Contracting.

Mr. Poppo has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

ISSUES AFFECTING THE WORLD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I am quite pleased to come to the floor and be recognized to address you. I am especially honored to be the first Member of Congress to address this Congress after Dean Poppo has been appointed, as has just been read into the RECORD. I want to talk about two patriotic Americans this evening, and then transition to some other subject matter.

Dean Poppo is one of those who has served his country, and done it very well. He was one of the first people to go into Iraq as part of the team with Paul Bremer, a person who gave up a pretty easy path here in the United States that he had earned for himself to take on a very difficult and challenging path to serve his country. I have seen him stand as we loaded wounded on to planes at Landstuhl, his hand over his heart and a tear in his eye.

□ 1745

And he will serve this country very well on the appointment that has just been read into the RECORD. And I look forward to the results of that service as I have seen the results of his past service. It is a matter of coincidence that I arrive here to hear the reading, and I can't pass up the opportunity to say a few kind words about the most qualified individual that could possibly come forward to serve on the commission. I look forward to that service, Madam Speaker.

Then, I also have come to the floor to convey a message, that conveys a message to you, Madam Speaker, that reflects across the United States Congress in listening to the remarks that were made by the previous speakers, including the gentleman from Florida, about our operations in this global war on terror; and global war on Islamic Jihadists is a more appropriate way to address our enemy.

Our enemy has a global presence, and they are attacking us globally and they have been doing that for 20 or more years, perhaps more than 25 years, in the modern era here, and we need to recognize who they are. Our soldiers and our troops recognize who they are, but there seems to be a myopic vision on the part of a lot of Members of Congress that happen to be right now in the majority. And I regret that I have seen this war turned into a political tug-of-war rather than a policy that we are committed to, and we are committed to in large numbers, to grant the authority to engage in the liberation of the Iraqi people.

And now that this has gone on for a while, and even though the casualties in the beginning were far, far less than those predicted by the very detractors today that say that the accumulated casualties over the last 5 years are more than this Nation can bear and that we should leave Iraq under any circumstances, according to their view, and let the calamity begin.

Well, the calamity began in the aftermath of Vietnam, and the body count by the time the killing fields in Cambodia were totaled up was some number between 2 million and 3 million people.

But today, because of the courageous actions on the part of all of our military, and that absolutely includes our Commander in Chief, the 25 or 26 or so million in Afghanistan breathe free. They voted for the first time on that piece of real estate on the planet, ever, because of U.S. and coalition forces liberating them. And there have been a number of elections in Iraq and another one coming up, a place where we can't say that they actually had a representative form of government. No constitutional republic existed there.

Today, they have a significant measure of freedom, and in fact their safety and security has improved dramatically, partly and in a large way because of the result of the surge, also because of the result of the diplomacy that takes place, not on the part of some of the self-appointed emissaries that think that they should be the Lone Ranger on American foreign policy, those who don't seem to understand our Constitution or the Logan Act.

No, Madam Speaker. I am talking about the American soldier, the American Marine, the American Airman, and the Sailors too, and particularly the Seabees that are on the ground, that are playing soccer with the Iraqi kids and handing out candy and nurturing them and saving children, saving their lives, and teaching them a little bit of English and learning a little bit of Arabic and being part of the cultural exchange. Those are the people that are earning the peace, and their lives are on the line, and every one of them is a volunteer. And they want to complete their mission, Madam Speaker.

This brings me to a message that I received in my e-mail, I am going to say a couple of weeks ago that I received this e-mail. It is from a Captain Sean P. O'Brien, 5th Battalion, 25th Field Artillery, 4th Brigade, 10th Mountain Division, a forward operating base somewhere in Iraq, and I will not divulge that location. I have watched as an older boy and then a young man, Sean O'Brien, grow up and learn patriotism and the cost of freedom, and know that some had to serve and some would sacrifice, and he volunteered to do so. He is a decorated veteran. He received a Purple Heart in Afghanistan, and went back into the theater of war and now he is there in Iraq. And he

sent this e-mail to me, and, Madam Speaker, I would like to read it into the RECORD. Captain Sean P. O'Brien.

Hello again from Baghdad. I am not sure what is going on in the news these days, but I would like to offer another perspective.

As important as it is to the media to sensationalize a story, the nuisance of these attacks is just that. If there was ever a time that we were taking the wood to these jerks, it is now. The few that are causing the problems, and I mean the few, seem to be cut off, and they are fighting like it. They are making incredibly huge tactical errors, and their support seems to wane very easily in the face of the coalition and Iraqi Security Forces' resolve.

I have seen with my own eyes the bravery of the Iraqi Army. They really are fighting for their country, and they are making the kinds of sacrifices we like to remind ourselves of our own heroes. The Iraqi police, not as successful, but still holding their own, especially when they know that we have got their backs.

I hate this job. I hate being away from Dawn and the kids, but I love seeing the enemy's cowardice and the inconsistencies disintegrate into their death when they are met with deliberate and disciplined prosecution. They push teachers and kids out of schools and fight from the schoolhouses. They arrange coordinated attacks from mosques. I suppose, as any insurgent would, their best weapon is a booby trap.

By the way, a person who revolts against civil authority or an established government is an insurgent. Please note, established government.

The largest share of the attacks has been aimed at anything that represents the government, not so much coalition forces. Our mission is to protect the populous. The populous wants to be safe, and they demonstrate it. The Iraqi Army is getting stronger every day, and they give their lives for it. The enemy is very reactive and therefore easily predicted.

Something to think about. We are not leaving here. No one has told me this, but I do know that over the last 60 years we still have troops in the following places: Korea, Japan, and Germany. What is the difference? Hazard pay? Only a rhetorical question, he notes.

And Captain O'Brien goes on:

All countries are now contributing culturally and economically. Is the sacrifice any different now than it was then? Was it worth it to help them out? Is it worth it now?

To leave this place would be the same as standing by, idly watching your neighbors's house burn to the ground. It is irresponsible and it is morally wrong to ever consider such a thing.

Freedom is so important. It is one thing to say it; it is another completely to watch someone die for it or for someone else's.

All citizens and all governments are obliged to work for the avoidance of

war. However, as long as the danger of war persists and there is no internal authority with the necessary competence and power, governments cannot be denied the right of lawful self-defense once all peace efforts have failed.

It is personal. The enemy wants to kill us because we are Americans. There is nothing else they want. They hate us; they hate who we are and what we represent. There is nothing to offer an extremist except extreme measures. However, all of that is just an effect.

Is it moral to fight an effect and not a cause? Yes; when your inaction means a culture will suffer for generations.

The real issue to consider is possibly: What is there to gain by a destabilized Iraq? And, who is to gain?

At the end of the day, the evaluation of these conditions and for the moral legitimacy belongs to the prudential judgment of those who have the responsibility for the common good. That is you and me, the American.

And back to the destabilizers. Imagine a few of these cowards kidnapping a loved one of yours, beating them, and then filming your loved one on their knees. You hear the words "Allahu Akbar" chanting in the background, meaning "God is great," and then you watch these hooded cowards saw the head off of your loved one with a dull knife. Fear is their only actual weapon, and this weapon is not effective in the face of a self-aware citizen army and populous such as the Americans and, soon, as the Iraqis will be.

Interesting that Senator OBAMA wants to immediately sully the prestige of his sought office by offering an open meeting to those who want our Nation to burn. To give away the store is the best analogy I can think of. No matter.

Captain O'Brien goes on: I have faith in the American people not to allow that conflicted man to represent the United States in any way. So naive, yet the amount of naivety seems to demonstrate that his intentions are calculated.

You should be proud of our Joes and Joeys over here. All are still giving some, and some have and are going to give all. But don't mourn them; honor them, and understand the sacrifice they are making and for whom they are making it.

Have a great day. It will be good to come back when we are done.

Captain Sean P. O'Brien, 5th Battalion, 25th Field Artillery, 4th Brigade, 10th Mountain Division, Baghdad.

Madam Speaker, that is a sample of the e-mails that I get. And that I think is the most profound one and among the most compelling, and I think it tells the body and the American people what goes on in the minds and the hearts of our uniformed Soldiers, Airmen, Marines, and Sailors over there.

And as I looked them in the eye on that soil and they ask me, how could anyone consider calling us home before

we finish our mission? And they repeat to me that they are all volunteers. Every single one that serves in that theater is a volunteer. They volunteered for their branch of the service. They have, in doing so, that period of time that they have signed up or re-upped for is certainly a period of time in which they knew that they were likely to be deployed over to that part of the world.

They are willing to put their lives on the line for our freedom, our liberty, and our posterity, Madam Speaker. And for us to sit back here and argue that we are tired; we are tired, when they are the ones that are fighting this war? What has America sacrificed? We have sacrificed some of our sons and daughters. We have given them a great deal in Iraq and around the world. Blood and treasure is priceless, and blood is far more priceless than treasure.

We have given them a great deal, but the price that has been paid by the individual American is small in comparison to what is being paid by our military that are standing there in their uniforms, volunteering, saying: Let us complete our mission. Let us be victorious and then come home. Let us leave a legacy of freedom in Iraq and in Afghanistan and across the world.

And think what the map of the world looks like. It sometimes takes courage. Sometimes it takes a level of leadership to do the noble thing. And, Madam Speaker, I wonder sometimes if we have lost our ability to take ourselves back to what is noble and what is right and what is good and what is just.

But Ronald Reagan did the noble thing. He did the noble thing when he gave the speech when he said, "Mr. Gorbachev, tear down this wall."

And, Madam Speaker, if the American people knew the story on how difficult it was for that language to remain in President Reagan's speech, how many Chicken Littles, how many people that wanted to play the cautious route, those that didn't have the courage, those that didn't want to be, could not and did not have the courage to do the noble thing, tried to pull that language out of Ronald Reagan's speech because they were afraid of what Gorbachev might do. They didn't like the idea that it would be adding to the tension and adding to the friction, because they were afraid of confrontation, Madam Speaker. And to fear confrontation means eventually you will have it, because it is the bullies of the world that will poke their finger in your chest. And if you fear the confrontation and step backwards to avoid the finger in your chest, then the bully will take a step forward and poke his finger in your chest again and again and again.

Countries, dictators, tyrants are the bullies of the world. And when you reach the point where you are up against the wall, then you can decide whether you are going to fight or whether you are going to grovel. But I

can tell you, he has chosen that ground, and you make that decision on his terms, not yours.

The American people have been a bold people that have made the decisions on which ground to fight on our terms, not theirs. And Ronald Reagan made that decision when he stepped up and said, "Mr. Gorbachev, tear down this wall." And that laid out that inspiration. And a few years later, the wall came tumbling down.

When that wall fell down in Berlin, I watched this unfold on the news, and that was when I knew I needed to go get cable TV and a broader news cycle, because the whole story for the analysts was how families that had been divided by the wall could now come together, and they were breaking champagne bottles in their family reunions on the wall. And some were there with hammers chiseling away at the Berlin wall.

They missed the point. It was weeks and weeks and weeks before you could find a mainstream media, talking head pundit that even would utter the words that were close to the truth that most of us commonsense American people saw as we watched it on TV when the Berlin wall came down, hammers and chisels, a piece at a time. That was literally, literally, the Iron Curtain came crashing down.

The Iron Curtain that was constructed across Europe at Yalta on February 11, 1945 came crashing down beginning November 9, 1989. And the analysts in America didn't understand what that meant, and they didn't understand what it meant when Ronald Reagan said, "Mr. Gorbachev, tear down this wall." They didn't understand what it meant when Pope John Paul, now The Great, uttered his words and weighed in on this and gave an inspiration to the Christian reformation of Europe. And, how those minds and those voices together gave inspiration, along with Margaret Thatcher who, when she looked at Gorbachev and talked with him and met him, said to Ronald Reagan, "This is a man with whom we can do business."

And I don't know how good of a business he did for the interests of the Soviet Union since it collapsed some time later, but the business that got done was this, Madam Speaker. The strategy, the noble strategy of playing some brinksmanship, taking some risks, being bold, doing the American thing, doing the free world thing, and the contest was this. And Jean Kirkpatrick said it as she stepped down as ambassador to the United Nations, I think the year was 1984. Ironical that it would be, actually. But I remember her saying, and I read this in an article in the newspaper about page 3 or 4 in a tiny little three column inches; she said, what is going on as she resigned her ambassadorship to the United Nations: What is going on here in the conflict in the world, the Cold War, is the equivalent of playing chess and Monopoly on the same board. And the question was,

would the United States of America bankrupt the Soviet Union economically before the Soviet Union checked the United States militarily?

□ 1800

Mr. Speaker, that was the contest that was going on. Ronald Reagan understood that, Margaret Thatcher understood that, and I think Pope John Paul the Great understood that and upped the ante and took the risk and did the bold thing and challenged. When he challenged, it added inspiration to a people. When they found that the emperor had no clothes, that the bear had no teeth, the bear had no claws, and they found that the will was not there any longer on the part of the Soviet Union to exterminate people who were just trying to get over the wall for their freedom, then they defied authority, and almost bloodlessly the wall came down. The Iron Curtain came crashing down and freedom echoed all of the way across Europe clear to the Pacific Ocean.

Hundreds of millions of people breathed free because of that courage and that boldness and that nobility of Ronald Reagan, Margaret Thatcher, and Pope John Paul.

That kind of bold move is what it takes for people to achieve freedom. It was a bold move to draft and sign the Declaration of Independence and hang that out in the public square and understand that as they pledged their lives, their fortunes and their sacred honor, they well might be hanging in the public square as well, our Founders, that signed the Declaration.

They took that risk, and many of their lives were ruined. But the birth of this country began and freedom was inspired. A bold and noble act brought forth the United States of America. A bold and noble act brought down the Berlin Wall, crashed the Iron Curtain, and a bold and noble act freed the Iraqi and the Afghani people.

Mr. Speaker, taking myself back to those moments in history, the noble times when people have been bold and had the courage to take a risk and know that bad things could come out of a bold decision, but seldom do any better things come out of decisions that are not so bold. I could go through history and talk about the Declaration of Independence, as I stated. And additionally, Abraham Lincoln's signing of the Emancipation Proclamation, the boldness with which he stuck to his guns and said we will preserve the Union, and almost at any cost, and it was a high price that was paid.

And the boldness to which Abraham hung to the principle of freedom for all people. He said, "As I would not be a slave, I would not be a master," and he acted on it.

My information from an accomplished historian is a story that I have to qualify because even though I am assured it is a true story, it is such a good story. Many things are attributed to Abraham Lincoln, so I am a little

cautious. It is inspirational regardless of whether we can verify it to be fact. I have done some steps to verify. I believe it to be a fact, but I am not certain.

So I put that caveat in there, but I think it is important to consider this inspiration.

As Abraham Lincoln was considering whether to sign the Emancipation Proclamation, he had deliberated on it for some time. The political climate was different then than we imagine it might be. And he called his cabinet together. He spoke to the cabinet.

He said I have this Emancipation Proclamation, and I am seeking your counsel as to whether I should sign it. So he went around the table. They were all men in those days. And the first cabinet member, the first man said Mr. President, I don't think you should sign the Emancipation Proclamation because, after all you can't free anybody south of the Mason-Dixon Line because we don't occupy any of that territory and we have no authority since they have seceded from the Union, so it would be meaningless. President Lincoln listened.

Then he went to the next cabinet member. The next cabinet member said, Mr. President, I think it is meaningless because you can't free anybody by signing the Emancipation Proclamation. And furthermore, the African Americans who live north of the Mason-Dixon Line are already free. So it would be meaningless.

So he went to the third cabinet member who said, We have some people wearing our Union uniform that are fighting against the Confederates for other reasons. They want to bring the Union together, but they believe in slavery, and so you will lose some of the support of those soldiers who really aren't against slavery. They are there because they want to hold the Union together.

They went around the table. The cabinet was smaller then, but there was a different reason from each cabinet member. But each one advised President Lincoln, no, no, no, no, all of the way around the cabinet table. Every cabinet member advised President Lincoln do not sign the Emancipation Proclamation.

And the leadership of courage, the nobility of the man, President Lincoln looked at his cabinet members and he said, "Well, gentlemen, the aye has it."

"The aye has it," Mr. Speaker. That is courage. That is vision. That is nobility. That's the thing that we see out of our soldiers in places like Iraq and Afghanistan. And it is not getting easier in Afghanistan. The casualties are going up there. We do have support from a lot of our allies in Afghanistan, and we have significant support in Iraq from our allies there.

But we must not fold, we must not blink, we must not fail. We should listen to our uniformed military who are putting up the sacrifice. If I hear over here again, "I am tired of this war,"

find me a volunteer soldier that is not tired of war. But the numbers of those who support finishing this thing with the honor of a victory, and those who anticipate, as I do, an Iraq that is free, a moderate, Arabic nation that will be an ally that has significant oil resources in the Middle East, one who will be inspiring to the rest of that part of the world, that part of the world that has been in constant conflict and turmoil for centuries, we need to work with this principle that free people don't go to war against other free people.

If we have free people in Iraq and Afghanistan, and we do, that happens to be on the west and the east border of Iran, respectively. As they see the prosperity and the peacefulness and the opportunity and the freedom that exists today and will be an expanding freedom in Iraq and Afghanistan, can anybody imagine that the Iranian people will not want to partake in that freedom and prosperity? They will be inspired by their neighbors.

We can see that part of the globe bond together, free people, moderate Islamic nations who control their own government, people with a voice in the destiny of their nation. That is what I envision and what President Bush envisions. That is what we need to have the courage and the nobility to stand with. In the long run, first it saves American lives in the long run. Second, it changes the habitat that breeds terror.

If you look around the world, we have a list of countries that are called nations of interest. The nations of interest are the nations that produce terrorists. The reason they do is because they have the habitat that produces terrorists. Some is poverty, some is religion, some is culture. There is a hatred of freedom there and there is a love of death, as we heard the gentleman from California in his presentation earlier this afternoon.

That habitat can be changed. And we have lost Benazir Bhutto to this world, to this temporal world that we are in at this time. I got to know her and I had a number of conversations with her. Upon our first meeting, it was shortly after September 11, and I sat down with her one-on-one in Storm Lake, Iowa, I would add. And I asked her a series of questions.

One of my questions was, How do we get to the point where we can achieve victory in this war since this is an amorphous enemy and it is not a command-and-control structure and there is not a piece of real estate that we can go and capture and occupy and say we won? How do we win and declare victory? How do we know when we have won?

Her answer was you've got to give them freedom. You've got to give them a chance at democracy. If you do that, they will change their focus from hatred and terror toward their families, their communities, their neighborhoods, their country, and their mosques. If they do that, they will no

longer be focused on hatred and I will pick it up from there. That is how we erase the habitat that breeds terrorists.

Another way to describe it, Mr. Speaker, is if you're sitting on your porch and a hornet should fly along and sting you on the arm, you are likely to swat the hornet and rub the arm a little bit. If it happens 2 weeks later, that is two too many, but it is not so alarming. But if the whole hive comes and stings one of your children or grandchildren to death, maybe 200 or 300 stings by 200 or 300 hornets, and for an unforeseen reason kills one of your family members, you no longer sit on the porch with your Raid can and your fly swatter. You go find the hive or hives, and you eradicate the habitat that breeds that kind of venom.

We are going another step here. We are eradicating the habitat that breeds that kind of venom, and we are replacing it with a positive habitat that breeds brotherly love and neighborly cooperation and common interest of commercial opportunity and an opportunity to weigh in to promote the destiny of their country.

All of those things come from the kind of mission that our military has been on, the kind of mission that Sean O'Brien has been on, and these things can and will flow from our efforts should we have the courage and the nobility to stand.

As I listened to my predecessor speakers, I am going to say illogical language about energy keeps coming forth from the microphones over on that side.

I would challenge them, and I would yield to anybody that comes up with a single thing that the Pelosi Congress has offered that put more energy on the market, anything that puts more Btus in the marketplace, that puts more gas into the market, more diesel fuel, more ethanol, more biodiesel, more wind or coal or nuclear or solar? Any single thing that has been proposed by the other side of the aisle that has put more energy into the marketplace?

I will yield if you can come up with an example. But I am going to say that answer is zilch. Not one, nada, no Btus more on the market. Every single move in these 15, going on 16 months of the 110th Congress, every single move by the Speaker's leadership has been to take energy off the market, make it more scarce.

I don't understand how the constituents for the people who advocate such a thing can tolerate suspending the law of supply and demand, making energy more scarce, driving the prices up. Gas prices are up 50 percent since NANCY PELOSI took the gavel; 50 percent.

We are paying \$3.51 a gallon for gasoline today. Crude oil prices dropped a little today. They were almost \$120 a barrel. They dropped about \$6. That is about 5 percent. That is a good thing.

But to listen to the other side, Mr. Speaker, they ask us to believe the

idea that somehow George Bush controls global oil prices, as if \$120 a barrel for crude oil is something that only Americans are paying, but Europeans are not and Australians are not and Africans and South Americans are not.

The truth is this is a global market. If you really want to protect yourself from rising oil prices, you can hedge that on the futures market. Go buy yourself some barrels of oil. If you think oil is going up to \$200 or \$300 or \$400 a barrel, buy some now. Invest in that now.

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Invest that in the futures. You can protect your interest on that. But this is a global price. George Bush can't control the oil prices. Here's a news flash. A President of the United States can't do that. He can affect them, yes. This Congress can affect them too. But it has to do with how you affect the supply and what you do with the tax and the regulatory structure.

We need more refineries. We need to drill ANWR. We need to drill the Outer Continental Shelf. We need to drill the non national park public lands in America, and we need to build roads in distribution areas so that we can do that, so that we can deliver that oil to the marketplace.

And if we look around at what technology is doing, when oil prices went up, what happened?

Well, we know there's a huge oil supply in Northern Alberta in the tar sands, and we're working with the Canadians, and I hope the deal doesn't get destroyed by initiatives here that are anti-energy in this Congress, Mr. Speaker.

But we need to bring that pipeline down from Northern Alberta, and we bring that down into the heart of the United States and refine that crude oil of the Canadians and that huge supply that's there, and we need to tap into ANWR, and move to the east from where the north slope is, similar terrain and topography, and bring that oil into the domestic market of the United States; more importantly, get it on to the world market so we can cut down on, increase the supply so we can reduce the cost of the energy that we have.

If you saw that there was a report by USGS that they had identified an oil reserves in North Dakota, some spilling over into Montana; hopefully Mr. POMEROY knows about this. I'm sure he does. 3.4 billion barrels of oil up there. And they have to go down nearly 2 miles and do horizontal sand fractionalization to make that happen. But that's a tremendous amount of oil that's domestic, two big oil finds.

We also have the Chevron find down on the Gulf Coast within the last two years, a huge oil find. And the Brazilians have tapped into an oil find, a couple of different ones that look like they could rank in the top three of the oil reserves for the world. And we know that the west coast of Africa has a tremendous amount of oil.

So let's get this going. Let's put a lot of oil on the market, a lot of energy on the market.

And, Mr. Speaker, I'd direct the body's attention to what really does control the cost of energy. This is a little chart that we made up that, it is a pie chart. And this represents, this pie chart is 360 degrees. It is the whole of the energy that, as energy consumed in the United States, last year in 2007. This is in Btus. So in case you'll know what this number is, Mr. Speaker, being an astute individual.

We consumed 101.5 quadrillion Btus last year in the United States of America. Of those 101.5 quadrillion Btus, it breaks out this way as a percentage: 23 percent natural gas, petroleum, gas, 39.24 percent, and you go on up the line. We've got coal at 22.4 percent, nuclear at 8.29. That's got to be a diminishing number because we haven't built a nuclear plant in the United States since about 1975 or maybe 1978. There happens to be one going in now in South Carolina. I am glad to see that.

Let's expand the nuclear. It's very clean and very safe. It's the safest electrical supply that we have in the United States.

The hydroelectric has not been expanding, either, and I'm all for expanding that. That sits at 2.3. Geothermal, small little piece there, wind, small little piece, solar, very small piece. Fuel ethanol, not as big as someone might think. .94 of 1 percent of the energy we consume in the United States is ethanol. And the biodiesel is .06 percent, not very big.

And then wood and waste is bigger. I think that's going to be your biomass, remainder of the biomass component of this.

The thing we need to do for energy in the United States is expand every one of these slices of the energy pie; put more Btus out in each one of these colored pie categories that we have; make this circle a lot bigger so that the number of Btus that we produce is great enough that it puts pressure and downward pressure on the market prices. That's our mission. That's an energy policy.

And by the way, another slice of that pie needs to be conservation. That's not in there. We need to add conservation to that as well, Mr. Speaker.

So as we move forward in this policy, let's keep in mind you can't suspend the law of supply and demand. We can't be living in "Pah-la-la-losi Land." We've got to understand that what goes up must come down. That's the law of gravity.

The sun comes up in the east, not the west. It doesn't come up in San Francisco, it comes up over on the Atlantic ocean side of this. That's not going to change, and no amount of talking about it will change where the sun comes up. And no amount of talking is going to change the law of supply and demand, except taxes and regulation, which are going up on our energy producers, not down.

So I'll argue, Mr. Speaker, we need to supply more energy, not less. The idea that more expensive energy is a good thing for Mother Nature, that somehow, if you raise the price of gas to \$3.51 or \$4.50 or six bucks or seven bucks, that somebody's going to get on a bicycle and ride around town instead of driving around in their car, that may work in some occasions, but it doesn't work out very good for Grandma that's got to go 10 miles to town in January in Iowa. She can't put the chains on her bicycle and do that. She'll get in her car and she'll drive, and she'll pay a higher price out of her Social Security and her fixed limited income because you're driving up the price of gas; you're not driving it down. And it's limiting the quality of life, and people are having to make tough decisions.

We need to take action to put more energy on the market, not less. And if we do that, we can see these prices go down, not up.

And I'd add to that that the value of the dollar is a significant factor in this. The depreciation of the dollar, the dollar value needs to be shored up. A significant part of the cost of energy is because it takes more dollars to compete with the higher value currency in foreign countries, Mr. Speaker.

And so that is a summary of some of the things I came to the floor here to address. I want to thank you for recognizing me and the privilege of speaking here on the floor of the House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Mr. HOYER) for today after 2:30 p.m.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. RYAN of Wisconsin (at the request of Mr. BOEHNER) for today on account of attending the funeral of a fallen soldier.

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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 1.

Mr. JONES of North Carolina, for 5 minutes, May 1.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, April 30 and May 1.

Mr. TANCREDI, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A Concurrent Resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 77. Concurrent Resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2903. To amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Friday, April 25, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6228. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerance [EPA-HQ-OPP-2007-0178; FRL-8353-2] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6229. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Determination of Attainment of the Ozone Standard [EPA-R01-OAR-2008-0069; A-1-FRL-8543-4] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6230. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Stationary Source Permits [EPA-R09-OAR-2007-

0165; FRL-8543-6] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6231. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Ohio SO₂ Air Quality Implementation Plans and Designation of Areas [EPA-R05-OAR-2006-0546; FRL-8534-4] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6232. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Non-attainment and Reclassification of the Baton Rouge 8-Hour Ozone Nonattainment Area; State of Louisiana [EPA-R06-OAR-2007-0967; FRL-8544-6] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6233. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Non-attainment and Reclassification of the Beaumont/Port Arthur 8-hour Ozone Nonattainment Area; State of Texas; Final Rule [EPA-R06-OAR-2007-0969; FRL-8543-5] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6234. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Ambient Air Quality Standards for Ozone [EPA-HQ-OAR-2005-0172; FRL-8544-3] (RIN: 2060-AN24) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6235. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6236. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6237. A letter from the White House Liaison, 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.

6238. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6239. A letter from the Acting Associate Attorney General, Department of Justice, transmitting the Department's annual report on activities under the Freedom of Information Act for calendar year 2007, pursuant to 5 U.S.C. 552(d); to the Committee on Oversight and Government Reform.

6240. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual No Fear Report to Congress for FY 2007, pursuant to Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2003, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6241. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6242. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's annual report for fiscal year

2007, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6243. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's annual reports for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6244. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the Strategic Plan FY 2007 — FY 2012; to the Committee on Oversight and Government Reform.

6245. A letter from the Staff Director, Federal Election Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6246. A letter from the General Counsel, General Accountability Office, transmitting the information required pursuant to the annual reporting requirement set forth in Section 203 of the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (No Fear), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6247. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, "In Search of Highly Skilled Workers: A Study on the Hiring of Upper Level Employees from Outside the Federal Government," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

6248. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

6249. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6250. A letter from the Director, Office of Personnel Management, transmitting a copy of a legislative proposal entitled, "Grade Retention Modification Act of 2008"; to the Committee on Oversight and Government Reform.

6251. A letter from the Chairman, President's Council on Integrity and Efficiency, transmitting the Council's annual report entitled, "A Progress Report to the President, Fiscal Year 2007"; to the Committee on Oversight and Government Reform.

6252. A letter from the President and Chief Executive Officer, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2007, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

6253. A letter from the Executive Vice President and Chief Human Resources Officer, U.S. Postal Service, transmitting the Service's annual report for fiscal year 2007, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR

Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6254. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No. FAA-2008-0411; Directorate Identifier 2007-NM-291-AD; Amendment 39-15326; AD 2004-07-22 R1] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6255. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2007-28921; Directorate Identifier 2007-NM-091-AD; Amendment 39-15371; AD 2008-03-20] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6256. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-0262; Directorate Identifier 2007-NM-247-AD; Amendment 39-15370; AD 2008-03-19] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6257. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and Model SAAB 340B Airplanes [Docket No. FAA-2007-0298; Directorate Identifier 2007-NM-238-AD; Amendment 39-15369; AD 2008-03-18] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6258. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Airplanes [Docket No. FAA-2007-0212; Directorate Identifier 2007-NM-237-AD; Amendment 39-15368; AD 2008-03-17] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6259. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes [Docket No. FAA-2008-0153; Directorate Identifier 2007-NM-243-AD; Amendment 39-15372; AD 2008-03-21] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6260. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters [Docket No. FAA-2008-0101; Directorate Identifier 2007-SW-76-AD; Amendment 39-15357; AD 2007-26-51] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6261. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-7B Series Turbofan Engines [Docket No. FAA-2007-27229; Directorate Identifier 2007-NE-03-AD; Amendment 39-15359; AD 2008-03-09] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6262. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 525, 525A, and 525B Airplanes [Docket No. FAA-2007-28956; Directorate Identifier 2007-CE-068-AD; Amendment 39-15360; AD 2008-03-10] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6263. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes; and Model 767-200 and -300 Series Airplanes; Equipped with Certain Goodrich Evacuation Systems [Docket No. FAA-2007-28299; Directorate Identifier 2005-NM-139-AD; Amendment 39-15354; AD 2008-03-05] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6264. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42-500 Airplanes [Docket No. FAA-2008-0121; Directorate Identifier 2007-NM-277-AD; Amendment 39-15363; AD 2008-03-13] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6265. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2007-0349; Directorate Identifier 2007-CE-094-AD; Amendment 39-15366; AD 2008-03-15] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6266. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Airplanes [Docket No. FAA-2007-0299; Directorate Identifier 2007-NM-239-AD; Amendment 39-15358; AD 2008-03-08] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6267. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-50, -60, -60F, -70, and -70F Series Airplanes; Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; and Model MD-88 Airplanes [Docket No. FAA-2007-29061; Directorate Identifier 2006-NM-243-AD; Amendment 39-15362; AD 2008-03-12] (RIN: 2120-AA64) Received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6268. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes [Docket No. FAA-2007-0249; Directorate Identifier 2007-CE-088-AD; Amendment 39-15361; AD 2008-03-11] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6269. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls Royce plc RB211 Series Turbofan Engines [Docket No. FAA-2007-27824;

Directorate Identifier 2003-NE-12-AD; Amendment 39-15364; AD 2006-11-05R2] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6270. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes [Docket No. FAA-2007-29336; Directorate Identifier 2007-NM-143-AD; Amendment 39-15373; AD 2008-04-01] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6271. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model (Caribou) DHC-4 and (Caribou) DHC-4A Airplanes; and Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket Nos. FAA-2007-0410, FAA-2007-0411, and FAA-2007-0412; Directorate Identifiers 2007-NM-338-AD, 2007-NM-291-AD, and 2007-NM-290-AD; Amendments 39-15325, 39-15326, 39-15327; ADs 2008-01-02, 2004-07-22 R1, and 90-25-05 R1] (RIN: 2120-AA64) Received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6272. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model (Caribou) DHC-4 and (Caribou) DHC-4A Airplanes [Docket No. FAA-2008-0410; Directorate Identifier 2007-NM-338-AD; Amendment 39-15325; AD 2008-01-02] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6273. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, and -135LR Airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2007-28987; Directorate Identifier 2007-NM-127-AD; Amendment 39-15269; AD 2007-24-03] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6274. A letter from the Acting Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's "Major" final rule — Documents Required for Travelers Departing From or Arriving in the United States at Sea and Land Ports-of-Entry from Within the Western Hemisphere [USCBP 2007-0061] (RIN: 1651-AA69) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

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. GORDON: Committee on Science and Technology. H.R. 906. A bill to promote and coordinate global change research, and for other purposes; with an amendment (Rept. 110-605 Pt. 1). Ordered to be printed.

Mr. RANGEL: Committee on Ways and Means. H.R. 5720. A bill to amend the Internal Revenue Code of 1986 to provide assistance for housing; with an amendment (Rept. 110-606). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANGEL: Committee on Ways and Means. H.R. 5749. A bill to provide for a program for emergency unemployment compensation; with an amendment (Rept. 110-607). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Foreign Affairs discharged from further consideration. H.R. 906 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BURGESS:

H.R. 5885. A bill to promote a better health information system; 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. BROWN of Georgia (for himself,

Mrs. MYRICK, Mr. AKIN, Mr. MANZULLO, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. PITTS, Mr. GINGREY, Mr. GARRETT of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KLINE of Minnesota, Mr. SESSIONS, and Mr. SALI):

H.R. 5886. A bill to restrict the diplomatic travel of officials and representatives of state sponsors of terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCKEON:

H.R. 5887. A bill to provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, and for other purposes; to the Committee on Natural Resources, 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. FILNER:

H.R. 5888. A bill to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility; to the Committee on Veterans' Affairs.

By Mr. BERMAN (for himself, Mr.

SMITH of Texas, Mr. CONYERS, and Mr. COBLE):

H.R. 5889. A bill to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; to the Committee on the Judiciary.

By Mr. CUELLAR (for himself, Mr.

DENT, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. ROGERS of Alabama, Mr. PASCRELL, Mrs. CHRISTENSEN, and Mr. ETHERIDGE):

H.R. 5890. A bill to amend the Homeland Security Act of 2002 to establish the Community Preparedness Division of the Department of Homeland Security and the Citizen Corps Program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, 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. BRADY of Texas:

H.R. 5891. A bill to adjust the boundary of Big Thicket National Preserve in Texas and

provide for three ecotourism projects within the preserve, and for other purposes; to the Committee on Natural Resources.

By Mr. HALL of New York:

H.R. 5892. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADY of Pennsylvania:

H.R. 5893. A bill to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE of Wisconsin:

H.R. 5894. A bill to provide funding for the Emergency Food and Shelter Program of the Federal Emergency Management Agency for housing-related assistance needed to prevent homelessness of families in connection with foreclosures on their residences; to the Committee on Financial Services.

By Mr. ACKERMAN:

H.R. 5895. A bill to require certain labeling of unsolicited commercial mail; to the Committee on Financial Services.

By Ms. SOLIS (for herself and Mr.

HASTINGS of Florida):

H.R. 5896. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary.

By Mr. BARROW (for himself, Mr.

THOMPSON of Mississippi, and Mr. TOWNS):

H.R. 5897. A bill to establish a health registry to ensure that certain individuals who may have been exposed to formaldehyde in a travel trailer have an opportunity to register for such registry and receive medical treatment for such exposure, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 5898. A bill to authorize a grant program to help establish and improve State-administered notification systems to help locate missing individuals with Alzheimer's disease and other dementia-related illnesses, and for other purposes; to the Committee on the Judiciary.

By Mr. BOYD of Florida:

H.R. 5899. A bill to require funding under the Iraq Security Forces Fund to be provided in the form of loans and to require the Government of Iraq to provide matching funds under the Commanders' Emergency Response Program to be used for agreed-upon purposes which enable military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 5900. A bill to amend the Homeland Security Act of 2002 to require, as a condition of receipt of certain State homeland security grants, that a State include a representative of the State department of education in homeland security decisionmaking bodies of the State; to the Committee on Homeland Security.

By Ms. CASTOR (for herself and Mrs. CHRISTENSEN):

H.R. 5901. A bill to amend title XVIII of the Social Security Act to eliminate contributing factors to disparities in breast cancer treatment through the development of a uniform set of consensus-based breast cancer treatment performance measures for a 6-year quality reporting system and value-based purchasing system under the Medicare Program; to the Committee on Ways and Means, 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 Ms. CLARKE:

H.R. 5902. A bill to enhance environmental justice education in middle and high schools that serve disadvantaged students; to the Committee on Education and Labor.

By Mr. CONAWAY (for himself, Mr. BRADY of Texas, Mr. HINOJOSA, Mr. MARCHANT, Mr. SMITH of Texas, Mr. CARTER, Mr. CULBERSON, Mr. HALL of Texas, Ms. GRANGER, Mr. BURGESS, Mr. GOHMERT, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. TOM DAVIS of Virginia, Mr. FORBES, Mr. SAM JOHNSON of Texas, Mr. BONNER, Mr. BARRETT of South Carolina, Mr. THORNBERRY, Mr. HOEKSTRA, Mr. WESTMORELAND, Mr. BARTON of Texas, Mrs. MUSGRAVE, Mr. KLINE of Minnesota, Mr. BOUSTANY, and Mr. MCCAUL of Texas):

H.R. 5903. A bill to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the "George H. W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. COSTA (for himself, Mr. PUTNAM, Mr. CARDOZA, Mr. NUNES, and Mr. FARR):

H.R. 5904. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish new procedures and requirements to improve the safety of food, whether produced and distributed domestically or imported into the United States, by providing for improved information technology to identify high-risk imports and for enhanced capacity in the United States and in foreign governments to identify and address food safety issues on a scientific basis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. KIRK, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. KELLER, Mr. TIM MURPHY of Pennsylvania, Mr. ALEXANDER, and Mr. DOOLITTLE):

H.R. 5905. A bill to amend the Internal Revenue Code of 1986 to provide individuals a deduction for commuting expenses; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. BOREN, and Mr. HERGER):

H.R. 5906. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of certain real property; to the Committee on Ways and Means.

By Mr. GERLACH:

H.R. 5907. A bill to provide a Federal income tax credit for Eagle employers, and for other purposes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. DREIER, Mr. SAM JOHNSON of Texas, Mr. BRADY of Texas, Mr. CANTOR, Mr. LINDER, Mr. CAMPBELL of California, and Mr. CONAWAY):

H.R. 5908. A bill to amend the Internal Revenue Code of 1986 to provide a permanent zero percent capital gains rate for individuals and corporations; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 5909. A bill to amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes; to the Committee on Homeland Security.

By Mr. SMITH of New Jersey (for himself, Mr. LAMBORN, Mr. PITTS, Mr. SOUDER, Ms. FALLIN, Mr. RENZI, and Mr. HUNTER):

H.R. 5910. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

By Mr. FORTENBERRY (for himself and Mr. DELAHUNT):

H. Con. Res. 332. Concurrent resolution recognizing the 60th anniversary of the Universal Declaration of Human Rights; to the Committee on Foreign Affairs.

By Mr. HINCHEY (for himself and Mr. ROHRBACHER):

H. Con. Res. 333. Concurrent resolution expressing continued support for employee stock ownership plans; to the Committee on Education and Labor.

By Mr. SHAYS (for himself, Mr. FALEOMAVAEGA, Mr. KUHLMAN of New York, Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. KELLER, Mr. JONES of North Carolina, Mr. FOSSELLA, Mr. MCCAUL of Texas, Mr. LATHAM, Mr. DAVIS of Kentucky, Mr. POE, Mr. HALL of Texas, Mr. MCKEON, Mr. REICHERT, Mr. HOBSON, Mr. WOLF, Mr. MCCOTTER, and Mr. WESTMORELAND):

H. Con. Res. 334. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month; to the Committee on Oversight and Government Reform.

By Ms. WATSON (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 335. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated; to the Committee on Transportation and Infrastructure.

By Mr. MCHUGH (for himself and Ms. SLAUGHTER):

H. Res. 1146. A resolution expressing the sense of the House of Representatives that the International Joint Commission should adopt a water level management plan for Lake Ontario and the St. Lawrence River that strongly takes into account environmental considerations and the concerns of the public and the affected States and maximizes hydropower production at existing facilities, and further urges the Secretary of State not to approve a plan that fails to do so; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself, Mr. LEWIS of Kentucky, Mr. WHITFIELD of Kentucky, Mr. ROGERS of Kentucky, Mr. CHANDLER, and Mr. YARMUTH):

H. Res. 1147. A resolution congratulating the Northern Kentucky University Norse women's basketball team, champions of the 2008 National Collegiate Athletic Association Division II tournament; to the Committee on Education and Labor.

By Mr. DAVIS of Alabama:

H. Res. 1148. A resolution providing additional amounts for the expenses of the select committee established under House Resolution 611; considered and agreed to.

By Mr. DAVIS of Illinois:

H. Res. 1149. A resolution expressing support for the designation of April 2008 as National Sarcoidosis Awareness Month, and supporting efforts to devote new resources to research the causes of the disease, environmental and otherwise, along with treatments and workforce strategies to support individuals with sarcoidosis; to the Committee on Education and Labor.

By Ms. JACKSON-LEE of Texas (for herself and Mr. THOMPSON of Mississippi):

H. Res. 1150. A resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines; to the Committee on Homeland Security.

By Mr. DUNCAN (for himself, Mr. DAVID DAVIS of Tennessee, Mr. WAMP, Mr. LINCOLN DAVIS of Tennessee, Mr. COOPER, Mr. GORDON, Mrs. BLACKBURN, Mr. TANNER, and Mr. COHEN):

H. Res. 1151. A resolution congratulating the University of Tennessee women's basketball team for winning the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship; to the Committee on Education and Labor.

By Mr. FERGUSON (for himself and Mr. BACA):

H. Res. 1152. A resolution honoring Arnold Palmer for his distinguished career in the sport of golf and his commitment to excellence and sportsmanship; to the Committee on Oversight and Government Reform.

By Ms. HIRONO (for herself, Mr. HONDA, Mr. WU, Mr. ABERCROMBIE, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Ms. BORDALLO, Mr. BECERRA, Mr. FALEOMAVAEGA, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, and Mr. STARK):

H. Res. 1153. A resolution celebrating Asian Pacific American Heritage Month; to the Committee on Oversight and Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. LINDA T. SANCHEZ of California, Mr. MICHAUD, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. MCCOLLUM of Minnesota, Ms. SUTTON, Mr. ELLISON, Mr. ALLEN, Ms. NORTON, Mr. HARE, Mr. YOUNG of Alaska, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. PAYNE, Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. LANGEVIN, and Ms. LEE):

H. Res. 1154. A resolution supporting the mission and goals of Workers Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. TSONGAS.

H.R. 45: Mr. CARSON.

H.R. 223: Mr. SOUDER.

H.R. 406: Mr. BARTLETT of Maryland, Mr. BOEHNER, Mr. CANTOR, Mr. CHABOT, Mr. DEAL of Georgia, Mr. FORBES, Mr. JORDAN, Mr. PITTS, Mr. WELDON of Florida, Mr. CAMP of Michigan, Mr. CASTLE, Mr. CULBERSON, Mr.

GRAVES, Mr. KNOLLENBERG, Mr. LAMBORN, Mr. PENCE, Mr. ROGERS of Michigan, and Mr. WHITFIELD of Kentucky.

H.R. 436: Mr. MACK and Ms. ZOE LOFGREN of California.

H.R. 549: Mr. WITTMAN of Virginia.

H.R. 643: Mr. GOODLATTE and Mr. COURTNEY.

H.R. 676: Mr. CLYBURN.

H.R. 695: Mr. CARSON and Mr. AL GREEN of Texas.

H.R. 726: Mr. CARSON.

H.R. 861: Mr. ROSS, Mr. SHULER, and Mr. HELLER.

H.R. 1000: Mr. GUTIERREZ, Mr. PETERSON of Minnesota, Mr. BERMAN, Mr. BERRY, Mr. BOREN, Mr. BOYD of Florida, Mr. CARSON, Mr. ETHERIDGE, Mr. INSLER, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. ZOE LOFGREN of California, Mr. MATHESON, Ms. WASSERMAN SCHULTZ, and Ms. SCHAKOWSKY.

H.R. 1029: Mr. COURTNEY and Mrs. BACHMANN.

H.R. 1134: Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASTOR, Mr. MARKEY, Ms. SHEA-PORTER, and Mr. SALAZAR.

H.R. 1232: Mr. OLVER.

H.R. 1282: Mr. ELLISON.

H.R. 1293: Mr. TIAHRT.

H.R. 1295: Mrs. MYRICK.

H.R. 1303: Mr. HODES.

H.R. 1359: Mr. TIAHRT.

H.R. 1419: Mr. KIRK, Mr. CARSON, and Mr. PICKERING.

H.R. 1422: Mr. SHULER.

H.R. 1474: Mr. SESSIONS.

H.R. 1552: Mrs. EMERSON, Mr. SALAZAR, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mrs. NAPOLITANO.

H.R. 1553: Ms. BEAN.

H.R. 1576: Mrs. BACHMANN and Mr. TIBERI.

H.R. 1584: Mr. CARSON.

H.R. 1610: Mr. HELLER, Mrs. JONES OF OHIO, Mr. CARSON, Ms. LORETTA SANCHEZ OF CALIFORNIA, Mr. ANDREWS, AND Ms. KILPATRICK.

H.R. 1619: Mr. LINDER.

H.R. 1621: Mr. GONZALEZ.

H.R. 1629: Mr. ALEXANDER and Mr. HERGER.

H.R. 1647: Mr. LARSEN of Washington, Mr. MELANCON, and Mr. THOMPSON of California.

H.R. 1655: Mr. WITTMAN of Virginia, Mr. UPTON, Ms. KILPATRICK, and Mr. REGULA.

H.R. 1738: Mr. GRIJALVA.

H.R. 1781: Mr. RUSH.

H.R. 1813: Mr. CARSON.

H.R. 1818: Mr. CARSON.

H.R. 1820: Mr. HIGGINS and Mr. VAN HOLLEN.

H.R. 1843: Mr. WOLF.

H.R. 2050: Mrs. BLACKBURN.

H.R. 2054: Mr. BOREN and Ms. FOXX.

H.R. 2091: Mr. TERRY and Mr. WALBERG.

H.R. 2092: Mr. GRIJALVA, Mr. VISCLOSKEY, and Ms. CORRINE BROWN of Florida.

H.R. 2137: Mr. CARSON.

H.R. 2138: Mr. CARSON and Mr. ROTHMAN.

H.R. 2205: Mr. DUNCAN.

H.R. 2210: Mr. CUMMINGS.

H.R. 2231: Mr. ROGERS of Kentucky, Mrs. MCCARTHY of New York, and Ms. SHEA-PORTER.

H.R. 2267: Mr. BILIRAKIS.

H.R. 2332: Mr. SHAYS.

H.R. 2370: Mr. YOUNG of Florida.

H.R. 2380: Mr. DUNCAN.

H.R. 2477: Mr. SARBANES.

H.R. 2593: Mr. BRADY of Pennsylvania, Mr. CONYERS, Ms. LEE, and Ms. ROYBAL-ALLARD.

H.R. 2611: Mr. CLEAVER.

H.R. 2677: Mr. WELDON of Florida.

H.R. 2713: Mr. BISHOP of Georgia.

H.R. 2762: Mr. CAMP of Michigan.

H.R. 2860: Mr. MARSHALL.

H.R. 2914: Mr. PUTNAM and Mr. GRIJALVA.

H.R. 2922: Mr. RAHALL.

H.R. 2965: Ms. RICHARDSON, Mr. WAXMAN, Mr. RODRIGUEZ, and Ms. HIRONO.

H.R. 3001: Mr. CARSON.

H.R. 3024: Mr. RYAN of Ohio.

H.R. 3054: Mr. POMEROY.

H.R. 3212: Mr. HIGGINS.

H.R. 3267: Mrs. EMERSON, Mr. JEFFERSON, Mr. MCGOVERN, and Mr. GRIJALVA.

H.R. 3273: Mr. CROWLEY and Mr. HONDA.

H.R. 3326: Mr. DELAHUNT, Mr. CARSON, and Mr. PAYNE.

H.R. 3334: Mr. ROSS.

H.R. 3362: Mrs. MYRICK.

H.R. 3363: Mr. ALTMIRE.

H.R. 3377: Mr. FERGUSON.

H.R. 3430: Mr. CARSON.

H.R. 3453: Mrs. EMERSON.

H.R. 3457: Mr. GOODLATTE.

H.R. 3533: Mr. CARSON.

H.R. 3543: Ms. LEE, Mr. JEFFERSON, Mr. ANDREWS, and Mr. GENE GREEN of Texas.

H.R. 3618: Mr. CARSON.

H.R. 3689: Mr. CARSON.

H.R. 3769: Mr. BOREN.

H.R. 3817: Mr. JOHNSON of Illinois.

H.R. 3820: Mr. DAVIS of Kentucky.

H.R. 3874: Mr. GOODLATTE.

H.R. 3995: Mr. FILNER.

H.R. 4044: Mr. HINCHEY.

H.R. 4054: Mr. CARSON.

H.R. 4059: Mr. CARNAHAN.

H.R. 4141: Mr. DAVID DAVIS of Tennessee.

H.R. 4218: Mr. MEEKS of New York.

H.R. 4236: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PETERSON of Minnesota, Ms. SUTTON, and Ms. GIFFORDS.

H.R. 4318: Ms. PRYCE of Ohio.

H.R. 4544: Ms. NORTON, Mr. BARRETT of South Carolina, and Mr. PASCRELL.

H.R. 4651: Mr. COHEN.

H.R. 4900: Mr. MICA and Mr. DAVIS of Alabama.

H.R. 4959: Mr. HODES.

H.R. 5057: Mr. PAYNE and Ms. SPEIER.

H.R. 5058: Mrs. MALONEY of New York and Mr. OLVER.

H.R. 5131: Mr. WITTMAN of Virginia.

H.R. 5155: Mr. WALZ of Minnesota.

H.R. 5173: Mr. CARSON.

H.R. 5180: Mr. CHABOT.

H.R. 5265: Ms. BALDWIN and Mr. TOWNS.

H.R. 5268: Mr. MILLER of North Carolina.

H.R. 5401: Mr. INSLER.

H.R. 5404: Ms. WOOLSEY.

H.R. 5440: Ms. GRANGER.

H.R. 5443: Mr. BOREN.

H.R. 5445: Mrs. MUSGRAVE and Mr. TERRY.

H.R. 5448: Mr. MCGOVERN, Mr. ELLISON, and Mr. PETERSON of Minnesota.

H.R. 5450: Mr. GOODLATTE.

H.R. 5467: Mr. MAHONEY of Florida, Mr. WELCH of Vermont, Mr. HILL, Mr. ALTMIRE, and Mr. ELLSWORTH.

H.R. 5473: Mr. DONNELLY, Mr. RYAN of Ohio, Mr. TOWNS, Mr. MORAN of Virginia, Mr. DOYLE, Ms. SUTTON, Mr. HONDA, Mr. LANGEVIN, Mr. INSLER, Mr. FATTAH, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. STUPAK, Ms. LINDA T. SANCHEZ of California, Mr. BARTLETT of Maryland, Mr. ALLEN, Mr. LEWIS of Georgia, Mr. KIND, and Mr. REYES.

H.R. 5481: Mr. ALTMIRE and Mr. MILLER of Florida.

H.R. 5524: Mr. CLAY, Mr. LOEBSACK, and Mr. PAYNE.

H.R. 5534: Mr. GEORGE MILLER of California and Ms. CLARKE.

H.R. 5536: Mr. MORAN of Virginia and Mrs. CAPPS.

H.R. 5541: Mr. SCHIFF and Mr. PRICE of North Carolina.

H.R. 5548: Ms. CLARKE.

H.R. 5554: Mr. HINCHEY.

H.R. 5573: Mr. SCOTT of Virginia, Mr. GRIJALVA, and Mr. UPTON.

H.R. 5580: Ms. LEE.

H.R. 5592: Mr. FILNER.

H.R. 5656: Mr. SMITH of Texas.

H.R. 5663: Mr. PASTOR.

H.R. 5664: Mr. PASTOR.

H.R. 5669: Mr. LINCOLN DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Mr. REGULA, and Mr. FORTENBERRY.

H.R. 5673: Mr. NUNES, Mr. FORTUÑO, Mr. TERRY, Mrs. BLACKBURN, and Mr. PEARCE.

H.R. 5684: Mr. YOUNG of Alaska, Mr. PAYNE, and Mr. MCGOVERN.

H.R. 5731: Mr. MCCARTHY of California.

H.R. 5740: Mr. LIPINSKI, Mr. REHBERG, Mr. CONYERS, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. SHIMKUS, and Ms. SCHWARTZ.

H.R. 5748: Mrs. EMERSON.

H.R. 5766: Mr. CARSON of Indiana, Ms. WASSERMAN SCHULTZ, and Mr. GUTIERREZ.

H.R. 5767: Mr. GUTIERREZ, Mr. KING of New York, Mr. WEXLER, Mr. CLAY, Mr. ACKERMAN, Ms. BERKLEY, Mr. HONDA, Mr. MCGOVERN, Mr. MORAN of Virginia, and Mr. FILNER.

H.R. 5785: Mr. BRALEY of Iowa.

H.R. 5788: Mrs. MYRICK, Mr. BLUMENAUER, Mr. BAIRD, Mr. UDALL of Colorado, Mr. WAMP, and Ms. DEGETTE.

H.R. 5793: Mr. MCCOTTER, Mrs. BONO MACK, and Mr. HONDA.

H.R. 5794: Mr. SALI.

H.R. 5798: Mr. FOSTER and Mr. BRALEY of Iowa.

H.R. 5804: Mr. BLUMENAUER and Mr. CARNAHAN.

H.R. 5806: Ms. LEE.

H.R. 5816: Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mrs. SCHMIDT, Mr. HAYES, Mr. FOSSELLA, Mr. WALSH of New York, Mr. CARTER, Mr. COLE of Oklahoma, Ms. GRANGER, and Mr. WELDON of Florida.

H.R. 5818: Mr. MORAN of Virginia and Mr. HIGGINS.

H.R. 5825: Mr. WALDEN of Oregon, Mr. BACHUS, Mr. JORDAN, Mr. CULBERSON, Mr. GILCHREST, Mr. SHADEGG, Ms. GRANGER, and Mr. KING of Iowa.

H.R. 5826: Mr. JOHNSON of Georgia.

H.R. 5830: Mr. HINOJOSA and Mr. LANGEVIN.

H.R. 5838: Mr. AL GREEN of Texas.

H.R. 5839: Mr. FERGUSON and Mr. BILBRAY.

H.R. 5843: Mr. CLAY.

H.R. 5845: Mr. GRIJALVA.

H.R. 5846: Mr. HONDA.

H.R. 5854: Mr. FORTUÑO.

H.R. 5857: Mr. BARRETT of South Carolina and Mr. CONAWAY.

H.R. 5869: Mr. BRADY of Pennsylvania, Mr. CUELLAR, and Mr. PASTOR.

H.R. 5875: Mr. ALLEN.

H.R. 5882: Mr. TOM DAVIS of Virginia.

H. J. Res. 12: Mr. WAMP.

H. Con. Res. 2: Mr. PAYNE and Ms. JACKSON-LEE of Texas.

H. Con. Res. 70: Ms. MCCOLLUM of Minnesota and Mr. KIRK.

H. Con. Res. 134: Ms. MCCOLLUM of Minnesota, Mr. CUMMINGS, and Mr. BRADY of Pennsylvania.

H. Con. Res. 244: Mr. PITTS, Ms. SHEA-PORTER, and Mr. MCCAUL of Texas.

H. Con. Res. 295: Mr. HUNTER, Mr. SAXTON, Mr. HAYES, Mr. LOBIONDO, Mr. WELDON of Florida, Ms. TSONGAS, Mr. GINGREY, Mr. FRANKS of Arizona, Mr. SHUSTER, Mr. WALBERG, Mrs. BACHMANN, Mr. HELLER, Mr. ROGERS of Michigan, and Mr. ROHRBACHER.

H. Con. Res. 305: Mr. PRICE of North Carolina.

H. Con. Res. 317: Mr. SHERMAN.

H. Con. Res. 324: Mr. HARE.

H. Con. Res. 328: Mr. HARE, Mr. LEWIS of Georgia, Mr. SERRANO, and Mr. HINCHEY.

H. Con. Res. 331: Ms. ZOE LOFGREN of California and Ms. BERKLEY.

H. Res. 111: Mr. BRALEY of Iowa.

H. Res. 232: Mr. WALBERG.

H. Res. 339: Ms. ROS-LEHTINEN, Mr. SCHIFF, Mr. MURPHY of Connecticut, Mr. BOOZMAN, Mr. McDERMOTT, Mr. BLUMENAUER, Mr.

HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. SNYDER, Mr. BERMAN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 610: Mr. SOUDER.
H. Res. 620: Mr. McNULTY.
H. Res. 679: Mr. MCGOVERN.
H. Res. 834: Mr. TAYLOR.
H. Res. 937: Mr. MEEKS of New York.
H. Res. 985: Mr. MICHAUD.
H. Res. 1011: Mr. SMITH of Washington.
H. Res. 1022: Mr. McDERMOTT.
H. Res. 1026: Mr. MURTHA and Mr. CONAWAY.

H. Res. 1073: Mr. BERMAN, Ms. CLARKE, and Mr. MILLER of North Carolina.

H. Res. 1078: Mr. KUCINICH.
H. Res. 1079: Mr. CAPUANO, Mr. WALDEN of Oregon, Mr. HARE, and Mr. CAMPBELL of California.

H. Res. 1080: Mr. MCCOTTER.
H. Res. 1087: Mr. GRIJALVA.
H. Res. 1104: Mr. FILNER.

H. Res. 1106: Mr. SHAYS, Mr. WALSH of New York, Mrs. CAPITO, Ms. BERKLEY, Mr. TANNER, Mr. SHUSTER, Mr. DENT, Ms. PRYCE of Ohio, Mrs. BIGGERT, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. REYNOLDS, Mr. KUHL of New York, Mr. KLINE of Minnesota, Mr. BARTON of Texas, Mr. HUNTER, Mrs. MYRICK, Ms. FOXX, Mr. BOOZMAN, Mr. THORNBERRY, Ms. GRANGER, Mr. DAVID DAVIS of Tennessee, Mr. ROGERS of Michigan, Mr. WAMP, Mr. BERMAN, Mr. HASTINGS of Washington, Mr. WESTMORELAND, Mr. HOEKSTRA, Mr. DAVIS of Kentucky, Mr. PASCRELL, Mr. DICKS, Mr. MILLER of Florida, Mr. WALDEN of Oregon, Mr. BARTLETT of Maryland, Mr. TERRY, Mr. WU, Mr. WILSON of South Carolina, Mr. PEARCE, Mr. BISHOP of Utah, Mr. LEVIN, Mr. HERGER, Mr. McNULTY, Mr. CONAWAY, Mr. WALZ of Minnesota, Mr. KENNEDY, Mr. REHBERG, Mr. DEFazio, Mrs. BLACKBURN, Mr. LOBIONDO, Mr. MCCAUL of Texas, Mr. FORTENBERRY, Mr. LIPINSKI, and Ms. TSONGAS.

H. Res. 1109: Mr. INGLIS of South Carolina.
H. Res. 1110: Ms. GRANGER.

H. Res. 1111: Mr. ALLEN, Mr. PETERSON of Minnesota, Mr. MAHONEY of Florida, Ms. SHEA-PORTER, Mr. FOSTER, Mr. CARSON, Ms. TSONGAS, and Ms. BEAN.

H. Res. 1113: Mr. WALSH of New York, Mr. ROGERS of Kentucky, Mr. MCCARTHY of California, Mr. SMITH of Nebraska, Mr. COBLE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WALBERG, Mr. DAVID DAVIS of Tennessee, Mrs. DRAKE, Mr. BARRETT of South Carolina, Mr. POE, Mr. THORNBERRY, Mr. MARCHANT, Mr. HALL of Texas, Mr. CARTER, Mr. NEUGEBAUER, Mr. DELAHUNT, Mr. UDALL of Colorado, Ms. ZOE LOFGREN of California, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KINGSTON, Ms. FALLIN, Mr. MANZULLO, Mrs. MUSGRAVE, Mr. ISSA, Mr. PRICE of Georgia, Mr. WHITFIELD of Kentucky, Mr. WALZ of Minnesota, Mr. GILCHREST, Mr. SCHIFF, Mr. SKELTON, and Mr. MELANCON.

H. Res. 1114: Mr. WALSH of New York, Mr. MCCARTHY of California, Mr. ROGERS of Kentucky, Mr. SMITH of Nebraska, Mr. COBLE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WALBERG, Mrs. DRAKE, Mr. BARRETT of South Carolina, Mr. POE, Mr. MARCHANT, Mr. THORNBERRY, Mr. HALL of Texas, Mr. CARTER, Mr. NEUGEBAUER, Mr. DELAHUNT, Mr. UDALL of Colorado, Ms. ZOE LOFGREN of California, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KINGSTON, Ms. FALLIN, Mr. WAXMAN, Mr. MANZULLO, Mrs. MUSGRAVE,

Mr. ISSA, Mr. PRICE of Georgia, Mr. WHITFIELD of Kentucky, Mr. WALZ of Minnesota, Mr. GILCHREST, Mr. SCHIFF, Mr. SKELTON, and Mr. MELANCON.

H. Res. 1122: Mr. YOUNG of Florida, Mr. FEENEY, Mr. TANCREDI, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mr. JONES of North Carolina, Mr. BRADY of Texas, Mr. FOSSELLA, Mr. JOHNSON of Illinois, Mr. CARTER, Mr. SXTON, Mr. DAVIS of Kentucky, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. CUBIN, Mrs. BIGGERT, Mr. GOODLATTE, Mr. LEWIS of California, Mr. WAMP, Mr. GARRETT of New Jersey, Mrs. MILLER of Michigan, Mr. GOODE, Mr. GILCHREST, Mrs. DRAKE, Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Mr. GUTIERREZ, Mr. BILIRAKIS, Mr. JORDAN, Mr. SMITH of Nebraska, Mr. LATTI, Mr. WITTMAN of Virginia, Mr. SAM JOHNSON of Texas, Mr. GERLACH, Mr. MCKEON, Mr. BARTON of Texas, Mr. PETERSON of Pennsylvania, Mr. MACK, Mr. KELLER, Mr. PUTNAM, Mr. WELDON of Florida, Mr. MCCAUL of Texas, Mr. CALVERT, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. LOBIONDO, Mr. PITTS, Mr. PENCE, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. FORBES, Mr. GALLEGLY, Mr. HALL of Texas, Mr. REICHERT, Mr. SMITH of New Jersey, Mr. HOBSON, Mr. MCCOTTER, Mr. MORAN of Kansas, Mr. SULLIVAN, Mr. SOUDER, Mr. BILBRAY, Mr. HOEKSTRA, Mr. HENSARLING, Mr. LUCAS, Mr. BOUSTANY, Mr. FORTENBERRY, Mr. ADERHOLT, Mr. HERGER, Mr. COLE of Oklahoma, Mr. HAYES, Mr. GOHMERT, Mr. KLINE of Minnesota, Mr. MANZULLO, Mr. MARCHANT, Mr. CONAWAY, Mr. ROSKAM, Mr. STEARNS, Mr. RENZI, Mr. DANIEL E. LUNGREN of California, Mr. WOLF, Mr. MCCREARY, Mr. HASTINGS of Washington, Mr. POE, Mr. CRENSHAW, Mr. BACHUS, Mr. CAMP of Michigan, Mr. CARDOZA, Mr. COBLE, Mr. LINCOLN DAVIS of Tennessee, Mr. LAMPSON, and Mr. HUNTER.

H. Res. 1123: Mr. TANCREDI.

H. Res. 1130: Mr. LATHAM and Ms. SCHAKOWSKY.

H. Res. 1131: Mr. HONDA.

H. Res. 1132: Mr. TIAHRT, Ms. BORDALLO, Mr. JOHNSON of Illinois, Mr. McHUGH, Mr. HOLDEN, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. SHAYS, Mrs. BLACKBURN, Mr. DELAHUNT, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. ISSA, Mr. LOBIONDO, Mr. GRAVES, Mr. WYNN, Mr. LATHAM, Mrs. BONO MACK, and Mr. DAVID DAVIS of Tennessee.

H. Res. 1134: Mr. ALTMIRE, Mrs. CAPPS, Mr. CONYERS, Mr. ORTIZ, and Mrs. JONES of Ohio.
H. Res. 1137: Mr. REICHERT, Mr. HAYES, Mr. SHUSTER, Mr. PETRI, and Mrs. DRAKE.

H. Res. 1140: Ms. WATERS and Mr. FOSSELLA.

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:

OFFERED BY MR. JEFF FORTENBERRY

Bill Number: S. 2739.

Account: National Park Service.

Legal Name of Requesting Entity: Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (a 501(c)(3) not-for-profit organization).

Address of Requesting Entity: 100 Valmont Drive, Nebraska City, Nebraska 68410.

Description of Request: The request is very straightforward. It would simply convey certain federal land near Nebraska City associated with the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center to the related non-profit group. The bill also authorizes \$150,000 annually for ten years to operate the facility. This legislation would actually save the federal government about \$50,000 a year since the National Park Service currently provides about \$200,000 for the center.

OFFERED BY MR. PETER T. KING OF NEW YORK

Bill Number: H.R. 2830.

Excess Coast Guard Property.

Legal Name of Requesting Entity: Nassau County Police Department.

Address of Requesting Entity: 1490 Franklin Avenue, Mineola, New York 11501.

Description of Request: Section 429 of the Coast Guard Authorization Act of 2008 being considered on the House floor today authorizes the conveyance of two excess 41-foot utility boats to the Nassau County Police Department's Marine Bureau.

NCPD is currently using a pair of 1984 Bertrams on the north shore to provide marine patrols in Long Island Sound. These boats, approximately 33 feet in length, are commercially available recreational boats.

The Coast Guard Authorization Act of 2008 allows for the Coast Guard to transfer two of its excess 41-foot utility boats to the Nassau County Police Department once decommissioned by the Coast Guard. The boats still have many years of serviceable life, but are being replaced throughout the Coast Guard over the course of the next 6 years with the 45-foot Response Boat-Medium, built by Marinette Marine Corp.

The 41-foot utility boat has been the workhorse of the Coast Guard's small boat fleet for three decades. The boats have a greater endurance with a fuel capacity of 370 gallons, are more durable with their aluminum hull, and can tow 100 tons, making them the ideal asset to assist mariners in distress.

OFFERED BY MR. DARRELL E. ISSA

Bill Number: S. 2739 (H.R. 30).

The Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project will encourage and expand opportunities for recycled water use throughout Riverside County and southern California. Riverside County is one of the fastest growing regions of the United States. Rapid population growth has forced regional municipal water districts to seek out alternative sources to meet demand.

This project is a good use of taxpayer money because Eastern Municipal Water District's existing distribution system does not provide a "level of service" (pressure, flow control, peak pumping capacity) sufficient to meet the growing needs of its municipal irrigation customers. In order to meet the increased regional demand, Eastern must construct the necessary infrastructure needed to improve and expand the operating characteristics of an existing recycled water distribution system. This expanded system will be of great benefit to residents throughout the region.

The total cost of the project is \$49,451,500 with a Federal authorization of \$12 million

Below is a breakdown of the estimated costs of the project:

PROJECT COST ESTIMATE

	Quantity	Unit	\$/Unit*	Cost
San Jacinto Wildlife Area Recycled Water Storage Project:				
Property Acquisition/Easements				\$300,000
Pond excavation and clay liner (200 acres)	200	ACRES	32,265	6,453,000
Pond pump station (7,000 gpm)	1	PS	1,500,000	1,500,000

PROJECT COST ESTIMATE—Continued

	Quantity	Unit	\$/Unit*	Cost
36 in. diameter pipeline from water storage pond/pump station to 36 in. diameter transmission main	1500	LF	396	594,000
Subtotal				8,847,000
Menifee East Tank:				
Property Acquisition/Easements (5 acres)	5	ACRES	109,000	545,000
Tank (5 MG)	5	MG	1,500,000	7,500,000
24 in. diameter pipeline from tank to Leon Rd.	3000	LF	228	684,000
Subtotal				8,729,000
East Diamond Valley Tank:				
Property Acquisition/Easements (4.5 acres)	4.5	ACRES	109,000	490,000
Tank (4 MG)	4	MG	1,500,000	6,000,000
24 in. diameter pipeline from Tank to State St/Domenigoni Pkwy	4000	LF	228	912,000
Subtotal				7,402,000
Lakeview Tank:				
Property Acquisition/Easements (5 acres)	5	ACRES	109,000	545,000
Tank (6 MG)	6	MG	1,500,000	9,000,000
24 in. diameter pipeline from tank to 36 in. transmission main in Ramona Expwy	1000	LF	228	228,000
Subtotal				11,825,000
Hemet Citrus In Lieu:				
24 in. diameter pipeline from SJVRWRF to Alessandro Ponds	19000	LF	228	4,332,000
24 in. diameter pipeline from Alessandro Ponds to Corwin Booster	20000	LF	228	4,560,000
Alessandro Booster/Pond Pump Station (7,000 gpm)	1	PS	2,000,000	2,000,000
Subtotal				10,892,000
Pond Pump Stations:				
Sun City Ponds pump station (3,000 gpm)	1	PS	750,000	750,000
18 in. diameter pipeline from pump station to 54 in. diameter transmission main	1000	LF	171	171,000
MWD Ponds pump station (3,000 gpm)	1	PS	750,000	750,000
18 in. pipeline from pump station to 24 in. diameter transmission main	500	LF	171	85,500
Subtotal				1,756,500
Total				49,451,500

*Facility unit costs include planning, environmental, design and construction.

Again, this project is a good and prudent use of taxpayer funds that will provide expanded water access and resources for the residents of Riverside County and Southern California.

OFFERED BY MR. DON YOUNG OF ALASKA

Bill Number: H.R. 2830.

Provision: Title IV Sec. 407.

Legal Name of Requesting Entity: USCG CUTTER STORIS MUSEUM & MARITIME EDUCATION CENTER, LLC.

Address of Requesting Entity: 229 4th Street, Juneau, Alaska 99801.

Description of Request: The Storis Museum is organized and established for the purpose of obtaining the USCG *Cutter Storis*

from the government of the United States of America and establishing a non-profit museum in Alaska that will maintain the Storis in Alaska when the vessel is declared surplus. It is the intent of the Storis Museum to make the USCG *Cutter Storis* available to the public as a museum and to work cooperatively with other museums to provide education and memorialize the maritime heritage of the Storis and other maritime activities in Alaska, the Pacific Northwest, the Arctic Ocean and adjacent oceans and seas and such other lawful affairs allowed in Alaska.

OFFERED BY MR. DON YOUNG OF ALASKA

Bill Number: H.R. 2830.

Provision: Title IV Sec. 402.

Legal Name of Requesting Entity: Stabbert Maritime.

Address of Requesting Entity: 2629 NW 54th Street, W-201, Seattle, WA, 98107.

Description of Request: This provision would restore the coastwise privileges to the U.S.-build research ship, the *Ocean Veritas*, that was sold foreign in 1997 but now is in the process of being reflagged to the U.S. flag. The ship was built in 1974 by Halter Marine Fabricators, Gulfport, MS, which is also its homeport. However, unless this provision is enacted the vessel would be without coastwise privileges as a result of that prior sale to a foreign owner.



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No. 66

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's prayer will be offered by Rev. Don Davidson of First Baptist Church, Alexandria, VA.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Dear God, our Heavenly Father, creator of this vast universe and lover of all mankind, we begin our day with the recognition that You are sovereign Lord and that we are accountable to You above all other allegiances.

Thank You for this rich and diverse country, the United States of America, and for this great deliberative body and the role each Member plays in leading our Nation. Grant that these Members of the Senate will have wisdom as they wrestle with issues large and larger. Show them what is right, and may they find the courage to act according to their convictions and not the whims of ever-changing culture.

As the prophet Jeremiah said: When they stand at the crossroads and look, may they ask for the ancient paths and where the good way is and walk in it. Then our Nation can have rest for her soul.

We ask You to pour out Your blessings on America. But we are weak, Lord, prone to wander, and we feel it; prone to leave the God we love. Yet You are gracious, compassionate, full of mercy, and eager to forgive. We turn to You for grace and hope and health.

May this be a day when all of us, inside and outside this Chamber, wherever we be, seek the fulfillment of Jesus's words: "Thy kingdom come, Thy will be done, on Earth as it is in Heaven."

I pray this in His precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 24, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period for the transaction of morning business this morning for 1 hour. The majority will control the first 30 minutes and the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of S. 1315, the Veterans' Benefits Enhancement Act. There will be up to 60 minutes for debate on the Burr amendment prior to a vote in relation to the

amendment, to be followed by a vote on passage of the bill.

Upon disposition of the veterans bill, the Senate will consider H.R. 493, the Genetic Nondiscrimination Act. The only amendment in order to the bill is a Snowe-Kennedy-Enzi substitute. There will be up to 2 hours for debate on the substitute and on the bill prior to a vote on passage of this legislation. We expect the first vote to occur around noon today, Mr. President.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half. The Senator from Washington.

VETERANS' BENEFITS ENHANCEMENT ACT

Mrs. MURRAY. Mr. President, we are now 5½ years into the war in Iraq. We have been at war longer now than we fought in World War II, and we are creating hundreds of new veterans each and every year. Yet, too often, what we have seen is that this administration has failed to acknowledge the price our veterans and their families are paying in service. From the shameful conditions at Walter Reed Hospital a year ago, and VA facilities across the country, to a lack of mental health counselors, to a benefit claims backlog of months and sometimes years for our

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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veterans, our veterans have had to struggle to get the basic care they were promised. And now, just this week, in the last few days, we got more evidence that this administration has been covering up the extent of the toll this war has taken on our troops.

Internal e-mails that became public in a court hearing showed that the VA has vastly downplayed the number of suicides and suicide attempts by veterans in the last several years.

Last November, an analysis by CBS News found that over 6,200 veterans had, sadly, committed suicide in 2005. That is an average of 17 a day. When they were confronted then, the VA said: Oh, no, no, no, those numbers are much lower than that. Now we find that according to internal e-mails from the VA's head of mental health, Dr. Ira Katz, 6,570 veterans actually committed suicide in 2005, an average of 18 a day. Those e-mails also revealed that VA officials also knew that another 1,000 veterans who are receiving care at our VA medical facilities attempt suicide each month. Those numbers offer tragic evidence that our Nation is failing thousands of veterans every year, and they reflect an administration that has failed to own up to its responsibilities and failed even to own up to the true impact of the war on our veterans.

What is most appalling to me is that this is not the first time the VA has covered up the problems facing our veterans who have sacrificed for our country. Time and again, this VA told us one thing in public while saying something completely different in private. It is outrageous to me that our VA officials would put public appearance ahead of people's lives. Yet it appears that is what is happening again and again.

When we as Members of Congress sit down to try to determine what resources we need to give to the VA, we have to truly understand what is going on. If there is a problem, we have to act. It is our duty and the duty of this administration to care for our veterans. By covering up the true extent of the problem, the VA has actually hindered our ability to get those resources to the veterans who need them. That is irresponsible, and it is wrong.

I have come to the floor today because we now have an opportunity to extend benefits to our veterans. These benefits that are in the bill that is before the Senate today will help them with job training, insurance, housing, and other matters. The bill that is before us offers veterans peace of mind and will help them to readjust as they come home to civilian life.

The Veterans' Benefits Enhancement Act the Senate is currently considering expands traumatic injury insurance. It increases job training—vital to many of our veterans who are coming home. It extends housing benefits to veterans with severe burns, something we have to do. And critically, it restores limited pension benefits to Filipino veterans who fought for our country in World War II.

This is a bill that we have done in our VA Committee that normally would come to the floor and pass straight through this body by unanimous consent. It is budget neutral, and it works to provide long overdue care for some of our Nation's heroes. But, instead, this bill has languished for 9 months. Why? Because the Republicans chose obstruction over our veterans. The majority leader and our chairman, Senator AKAKA, have worked since last August to try to come to an agreement. They have tried to come to the floor and work out amendments and figure out a way to move this bill forward. But for 9 months the Republicans preferred to play political games and block this critically important bill. It is just part of an overall pattern we have seen on this floor with numerous bills we have been trying to bring forward.

Today, finally we have come to an agreement—late, but finally have come to an agreement—and the Republicans have agreed to move this bill forward.

Later this morning, we are going to have the opportunity to vote for legislation that extends important benefits to help our veterans transition back into civilian life. It expands home-improvement benefits to completely disabled servicemembers before they enter the VA system to help them adapt to their new homes. This will prevent months or even years of delays while they transition from the military into the VA care. The bill we are considering extends monthly educational assistance for veterans who are pursuing an apprenticeship or on-the-job training, and it requires the National Academy of Sciences to study the risk of developing multiple sclerosis as a result of serving in conflicts since the gulf war. This last piece is one I have worked on extensively, as I have worked with gulf war veterans in my State from the early nineties who are now coming in with high rates of multiple sclerosis, to find out if there is a connection. It is a critical piece of legislation.

But I am disappointed that the Republicans object to the provision in the bill before us that extends VA benefits to Filipino World War II veterans. Those now very elderly Filipino veterans were called to service by our country and by President Roosevelt in 1941. They served right alongside our U.S. troops. They fought to protect our interests as they were asked to in the Pacific. They consider themselves to be American troops, and we consider them to be part of our military.

We have a moral duty to repay their sacrifice by providing them with the care they have earned, just as we should do with all of our veterans. But in 1946, when the war was over, our Nation turned its back on them and stripped away their rights to their veterans benefits. That act of Congress denied those men the access to health care and limited compensation to half of what their U.S. counterparts re-

ceived. I believe that act of Congress was wrong, but I believe it is just as wrong that 62 years later we still have not corrected that injustice.

Some on the other side are saying those benefits are too generous. Those veterans have been denied benefits for over 60 years. How can we say giving them a few hundred dollars in the last remaining months of their lives is too much? Sixty-two years later, those veterans are in their twilight years. They need and they deserve the care this country ought to give them. We cannot make up for lost time for these veterans, but certainly we can right this injustice. We have the opportunity today to do what is honorable, what is moral, and treat our Filipino veterans as the heroes they are, and it is long past time that we did.

I urge my colleagues to support this bill later this morning when we vote on it and to oppose the Burr substitute amendment which would remove those provisions for our Filipino veterans.

Our veterans have waited 9 months for this bill to come before the Senate. Our Filipino veterans have waited more than six decades. Our veterans have all earned these benefits by sacrificing for us. They should not be forced to wait any longer.

To our VA which has continually hidden the facts from us, we need them to be honest and forthright. This country wants to be there to support our veterans, and we cannot do that if we are being given misinformation.

So my message to the VA is: We stand beside you as a country to work to make sure our veterans get the care and support they need. We expect you to do the same.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, I yield myself whatever leader time I may use.

The ACTING PRESIDENT pro tempore. The Senator has that right.

208TH ANNIVERSARY OF LIBRARY OF CONGRESS

Mr. McCONNELL. Mr. President, the Library of Congress celebrates today its 208th anniversary. On this day in 1800, President John Adams approved the appropriation of \$5,000 for the purchase of such books as may be necessary for the use of Congress.

The original collection included just 740 volumes and 3 maps, which are stored right here in the Capitol. In fact, what is now the reception area of the Republican leader's office was the Library's very first home. When British troops burned the Capitol building in 1814, they used the books and maps of the Library to ignite the flames, and all 3,000 volumes in the collection were destroyed.

Several years ago, when British Prime Minister Tony Blair addressed a joint session of Congress, he visited the leader's suite and told then-majority

leader Bill Frist that although it was coming a bit late, he was sorry for the fire incident.

Today, the Library of Congress is the largest library in the world. There are more than 138 million items, including books, recordings, photographs, maps, sheet music, and manuscripts. At the Library of Congress, access to this wonderful resource is no longer limited to Members of Congress. Today, the general public can browse everything from Presidential papers to books in over 470 languages, dating as far back as the 15th century.

Two hundred eight years after its launch, the Library is renowned for its original mission of making resources available and useful to the Congress and the American people and sustaining and preserving a universal collection of knowledge and creativity for future generations. Over 3,500 staff members work for the Library, and we thank them for doing so much to keep our rich history and heritage alive.

LOWER GAS PRICES

Mr. McCONNELL. Mr. President, on another issue, 2 years ago today, Democrats announced they had a commonsense plan to lower gas prices. When Democrats took over control of Congress last January, the average price of a gallon of gas was \$2.32. Today, it is \$3.53, according to AAA. Apparently, their commonsense plan is not working as intended.

In fact, since taking control of Congress last year, Democrats not only failed to deliver on their promise to lower gas prices, they have repeatedly pushed for policies that in fact would raise, not lower, prices at the pump. Every week, I hear from Kentuckians who are feeling the squeeze each time they fill up their tanks. High gas prices hurt families, hurt commuters, hurt truckers, who are paying record prices for diesel, and drive up the prices of daily necessities, including food. Yet some of our friends, reverting to form, appear to have no plan except to increase taxes on energy companies, which of course will raise prices for consumers, not lower them.

At a time of record-high gas prices, Democrats want to tax them to even higher levels. The reality is high gas prices are the result of misguided policies that have been in place for many years and will take time to bring down. For example, for too long we have kept too much of America's oil and gas resources locked up, literally off limits and unavailable to help America's families meet their energy needs. This has left us 60 percent dependent on foreign sources of oil and vulnerable to price hikes and the whims of foreign governments.

We took a small step last Congress when we opened an area in the Gulf of Mexico to energy production, but there is much more we can and should do if we want to have a meaningful impact on supplies and prices in the long term.

Back in 1995, when President Clinton vetoed a bill opening a very small portion of the Alaskan National Wildlife Refuge to exploration, the price of oil was \$19 a barrel. Over a decade later, when a million barrels a day from ANWR would have been flowing to U.S. consumers, oil is \$118 a barrel. While there is not much Government can do to lower gas prices overnight, this was a policy that, had it not been vetoed 13 years ago, could be making a difference today.

Democrats have also blocked proposals to increase refining capacity, which would lead to additional supplies and lower prices. We have had some successes when we have acted in a reasonable, bipartisan way, as we did when we raised the fuel economy standards and increased the use of renewable fuels in last year's Energy bill. But we will not have a balanced, effective, sensible energy policy until we also address the issue of making more of America's energy here at home available to American customers.

So we want to know what is the Democrats' commonsense plan to lower gas prices? It was announced 2 years ago. What is it? We haven't seen it yet. What is taking them so long to unveil it? The American people are waiting and paying more at the pump each day they wait.

HONORING OUR ARMED FORCES

CORPORAL CHRISTOPHER TYLER WARNDORF

Mr. McCONNELL. Mr. President, I rise today in honor of a young man from Kentucky who was lost in the performance of his duty. CPL Christopher Tyler Warndorf, of Burlington, KY, was tragically killed on August 29, 2006, in Iraq's Al Anbar Province, after an explosion set by terrorists went off.

A U.S. marine, he was 23 years old. Corporal Warndorf's mother Tina explains the circumstances of her son's death and how he died a hero.

The suicide bomber's plan was to come through the gates of their base. Tyler stopped him before that happened.

For his bravery in uniform, Corporal Warndorf received several medals, awards, and decorations, including the National Defense Service Medal, the Navy Unit Commendation Ribbon, and the Purple Heart.

Looking back, it is clear Tyler's service to his country, and indeed his entire life, was a gift. Tina remembers how she and Tyler's father Christopher Joseph Warndorf were once told they could not expect to have children.

A month before we were to be married, the doctors told us children would not be possible. We were ecstatic when we found out we were going to have a baby. It was a pretty high-risk pregnancy and a tough delivery. Tyler came in fighting and left fighting.

Tina and Christopher went on to have three children in all—Nicholas and Katelyn soon joined eldest son Tyler, who went by his middle name because Tina didn't want to hear her son called Little Chris.

As a child, Tyler had to wear braces to straighten his legs. But that didn't stop him from going on to play sports and becoming a leader of other kids both on and off the playing field.

Tina remembers:

Tyler was often teased for being so small. When he went out for football, he was so small none of the gear would fit him. The coach got gear from the pee-wee football league and told me he was on the team because of his heart, his soul, and his determination.

In addition to playing football and soccer as a kid, Tyler was active in his church, the First Church of Christ in Burlington. He convinced his family to join as well and made friends through the church's youth group.

Tina remembers how little trouble Tyler gave her growing up.

He always told me where he was going to be. I wish all parents could have that relationship with their kids. Tyler set the bar with Katelyn and Nick because they saw how I trusted him. There was never a reason to worry.

Tyler was interested in bridges and architecture and for a while set his sights on becoming a structural engineer. After a family visit to California, he thought about going to school there. But then came the terrorist attacks of September 11, 2001, and those plans changed.

Tina said:

When 9/11 happened, he came and told me he was going to join. He loved the Marines. He excelled at it.

Tyler enlisted in the Marine Corps in the fall of 2003, a few months after graduating from Conner High School. He spent the whole summer beforehand running and getting in shape. He was assigned to Lima Company, 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, based in Camp Lejeune, NC, and was eventually sent to Iraq under the First Marine Expeditionary Force, Forward.

As a marine, Tyler deployed once to Haiti and twice to Iraq. While serving in Haiti, Tyler was appalled to see children forced to scavenge for food and eat out of garbage cans. He sent to his family a list of food to send, which he passed out to the neediest kids.

Tyler did not let the thousands of miles between Iraq and Kentucky weaken the bonds between him and his family. His little sister Katelyn received a special birthday present when she turned 13. Tyler had 13 white roses delivered to her class at Conner Middle School, while over the intercom a tape of Tyler singing "Happy Birthday" played. It was a touching gift from a big brother who, had he been there, would surely be looking over Katelyn's report card, as he had in the past. "He made sure we got good grades," Katelyn remembers of Tyler. "If not, he would give us a talking-to."

Tyler's family was blessed to receive a phone call from him in Iraq before his tragic death, on the happy occasion of a new niece born into the family. "My daughter and I got to talk to him 45

minutes before he was killed," Tina recalls. "If anything, it was comforting, because if it had been weeks, it would have been really hard."

The support the Warndorf family received during Tyler's funeral was of tremendous solace.

Tina said:

I didn't expect what we received. Streets were lined the entire way to the funeral. I had no idea. For the visitation, the people gave me strength. Over 4,000 people visited. They will never know how much their support and kindness meant.

One of those supporters was Tyler's captain, who used to invite Tyler to his house for dinner on weekends. He told the Warndorfs that Tyler was such a wonderful person, he was as proud of him as if he had been his own son.

My prayers go out to the Warndorf family for the loss of this fine young man. We are thinking today of his mother Tina; his brother Nicholas; his sister Katelyn; and many other beloved family members and friends. Tyler was predeceased by his father Christopher Joseph Warndorf.

Tyler leaves behind many grateful people who were happy to have known him and felt his presence in their lives. His mother Tina expresses this feeling best of all, so I will leave my colleagues with her words:

Many soldiers commented on how amazing he was. This made me very proud. He was my confidant, my son, and my best friend. At least we got to have him at all.

The Senate salutes Christopher Tyler Warndorf for his service to his country. He reminded those who knew him what it was to be a hero, and we will forever honor his noble sacrifice.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. 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.

TEMPORARY EXTENSION OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2903 introduced earlier today by myself.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2903) to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

Mr. HARKIN. Mr. President, I ask unanimous consent to modify the bill at the desk to insert the date May 9, 2008, in both paragraph 1 and paragraph 2, in lieu of May 2.

The ACTING PRESIDENT pro tempore. Is there objection to the modification?

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

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. CRAIG. Mr. President, I am inclined to object. This is no reflection at all on the chairman of the Agriculture Committee and the ranking member. We are now 6 months into working on a new farm bill. In 2 weeks, we will probably start grain harvest in the panhandle of Texas. Last week, I came to the floor in a sense of frustration and urgency for American agriculture, for the Congress to complete its work. I am told by the chairman and the ranking member that a great deal has been accomplished this week and a sense of urgency is beginning to build. I would be willing to extend current farm policy for another week while the principals work on the finalization of a new farm bill because their work product is a good one. I am not here to destroy it. I am here to say, on behalf of American agriculture, they are sensing urgency—it is time Congress senses urgency. Six months negotiating a bill in most people's minds is about long enough.

So for a full 2-week extension, I will object. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. HARKIN. Mr. President, I say to my colleague from Idaho that in 1996 when that farm bill came up, it was 6 months late. It was signed into law April 4, 6 months past due. I do not recall the Senator from Idaho raising any objections. He was here at that time. And that was an easy farm bill. This is a very tough one. It is tough because there are tax measures that have come into it—not of my doing, not of the doing of my ranking member. But the Finance Committee and others got involved in this, so we have tax measures that have been a long, drawn-out process. This has sort of been out of our jurisdiction.

Senator CHAMBLISS and I have been dogged in getting the work done on the Agriculture bill, and we have. I say to my friend from Idaho, if this were only the Agriculture bill, we would have had this done a long time ago. This has to do with tax measures. As such, neither Senator CHAMBLISS nor I have control of that; we are not chairman or ranking member of the Finance Committee or Ways and Means.

I say to my friend from Idaho, so they were 6 months overdue in 1996. So we are over 6 months overdue right now. We are very close to getting this agreement done. We worked today, worked yesterday, and things are coming together. We made real progress. It has been slow, but it has been real. We have reached a number of agreements, and we are very close to putting this together.

Why would we want a 2-week extension? The House is not even in tomor-

row, for one thing. Then we have to finish this. We have to go back into full conference. There are some items that are going to require a little bit of debate and some votes. Even if we were to finish this bill by next Wednesday, which I think is possible, it is going to take another week just to do the paperwork and get everything together. It is humanly impossible—humanly impossible—legislatively impossible to get everything done in 1 week. That is why I asked for 2 weeks, because that is realistic. It is unrealistic, at this point in time, on Thursday, to say we can get everything done by next Thursday. It is just impossible. I want to be realistic.

I do not want to play any games around here. Frankly, we could finish our work, we can get the stuff done, but we can't get it all nailed down, the paperwork done, all that stuff that has to be done to clean up everything to get it to this body and get it to the House for a vote by next week—legislatively impossible.

I say to my friend from Idaho, you can either be realistic or unrealistic, you can help us out and be supportive of a process that has taken a lot of time and effort by both Senator CHAMBLISS and me, by Republicans and Democrats. We have been working very hard on this, and we are very close to getting it done. To put on just a 1-week extension is just unrealistic.

Mr. CRAIG. Will the Chairman yield?

Mr. HARKIN. I yield to my friend from Idaho.

Mr. CRAIG. In everything I say, it is not a reflection on the work of the Senate, it is a reflection of reality, and 1996 doesn't have anything to do with it. This is 2008, and agriculture today is considerably different than it was in 1996.

Today on the news you are actually hearing some supermarkets talk about the shortage of a food supply. I don't know if we have ever talked food supply shortages—ever in my lifetime—for American consumers.

If what the Chairman tells me is accurate, and I have no reason to doubt him—and Senator CHAMBLISS has done a wonderful job of keeping me and our colleagues informed—but collectively you have told this Senate more in the last 10 minutes than we have heard in a month from the collective principals on where we are with the progress. If by next week you have completed your work and we are simply ready to ink it and get it into a final package—I told Senator CHAMBLISS I wouldn't be on the floor today if that had happened this week. But it has not happened.

You have made progress. What is wrong, Mr. Chairman, with coming back here at the end of next week, reporting your work product and saying: Give us another extension and we will put it in final. That is a report to American agriculture, the kind they now deserve, more than they did 6 months ago. This is the fourth extension you have asked for, and I am simply saying I will give you one more,

but you said it—the House is going out tomorrow. Is that a sense of urgency, that they are not staying here and working and completing the work? Give them 2 weeks and they will go out another 3 days.

America's farming community senses urgency at this moment. I hope we do. I know you do, and I know the ranking member did. In no way is this a criticism of your work product and your work effort. You have done a marvelous job. But I think it is time collectively Congress get their work finished.

I thank the Senator for yielding.

Mr. HARKIN. We just have a disagreement on this issue. I guess, due to the objection—I guess we will be back here probably again next week asking for another extension.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Let me say by way of reporting where we are on this bill to all of our colleagues that we have 13 titles on the farm bill. We have now closed six of those titles. I think by the end of the day there is the opportunity for us to close at least a couple more of those titles, maybe even more. Despite the fact that the House is going out today and we are still going to be here, the principals involved in this from the conference standpoint as well as staff are going to continue to work through this all through the weekend, as all of our staff have done for all of these 6 months. Staff has been unbelievable, trying to wade through this.

But here is our practical problem. We have never had this problem with the farm bill. This is the third one I have been involved in as a Member of Congress—I have also been participating in several others—and I have never seen this situation before; that is, we had to go to the Finance Committee and Ways and Means Committee to ask them for some spending savings and some revenue measures to allow us to write a farm bill that is truly a meaningful safety net for our farmers and ranchers.

But just as important, because 66 percent of the funding in this farm bill is going to our nutrition programs—our food stamps, our school lunches, our food banks, all of which are so integrally important and all of which are within the jurisdiction of the Agriculture Committee—we have had to look to Ways and Means to finance like we never had to before.

Second, the Senate had a tax package that is \$7 billion on our bill that did not appear in the House bill. We had a lot of disagreement, a lot of argument about that. But as of last night, I think we made some real progress. As I have already told my friend from Idaho, I think his coming to the floor last week and trying to tighten the screw and saying he would object to another extension has had an impact on that, and I am not unappreciative of the efforts of Senator CRAIG.

But here we are today on the very verge, I think, based upon a meeting Senator HARKIN and I were in this morning. As soon as we leave here, we go back into another meeting. We are going to stay there until we get some of these key issues resolved. We are now getting to the point where, I think, within a short term—I hope it is Monday, I hope it is no later than that—it may be, but I hope we can come back in and stand on this floor and say that we have reached an accord and that we are going to be writing that bill over the course of the next 10 days, 2 weeks, whatever it may be that it takes to physically get the job done from the committee paper standpoint. But we are very close. And I think there is an opportunity to get this done. It is not going to be done, completed, in the next week, but I have no problem with a 1-week extension because I do think it will keep the pressure on. It will require us to ultimately get something done.

Another factor in here is the White House. The White House has to be involved because the President has to sign whatever product we send to him.

Another problem is, if it were up to Senator HARKIN and me, we would have had this bill done long ago. We had the shortest session in the Senate Agriculture Committee when we reported this bill out of the committee under your leadership. We got it done in a day and a half. We went into conference, and we appointed our conferees fairly quickly. It took the House almost 6 months to appoint their conferees. We have 11 conferees, the House has 49 conferees, all of whom have to be available to be in 1 room at the same time and all of whom had the opportunity to discuss their particular part of this bill. It has been a nightmare from that standpoint, but we are getting closer.

I appreciate the Senator from Idaho being reasonable with us as far as us getting a 1-week extension, and I would implore that we move forward with it, send it to the House, and hopefully get this concluded.

I yield the floor.

Mr. HARKIN. Mr. President, I wish to echo a little bit what my friend from Georgia just said. I will say in all candor to my friend from Idaho that his action last week had an effect. I will be very frank about that. It did not go unnoticed in our deliberations. Frankly, I think it caused us to do a lot of things in the last week. So I give that to my friend from Idaho.

I guess the only reason I was a little upset, I think sometimes when we try to do some things that are unrealistic—I think the specter of what you said last week was pretty realistic, and that caused us to do some things. I guess my only problem with this is that I think everyone recognizes that even though we are very close, we can get this done before next week, it cannot get done legislatively, the paperwork. Sometimes if you hold some-

thing out that is unrealistic, people tend to pooh-pooh it and say: Oh well, we will get another extension and we can dribble along. But if you know the curtain is coming down, then things happen. That is why I asked for 2 weeks. People know that is realistic. We have to get it done. It has to be done. But if it is 1 week, then, well, we will come back next week, and hopefully we can get whatever extension is necessary to get the paperwork done and everything.

I want to say again, Senator CHAMBLISS and I—all of us on the Agriculture Committee worked very hard. The groundwork was laid when Senator CHAMBLISS was chairman of the committee. When it changed hands after the last election and I was privileged to take over as chairman, we worked together. We passed a great farm bill in the Senate, something I was very proud of, and I think Senator CHAMBLISS—all of us were. We passed a farm bill with 79 votes.

Now, a lot of times people around the country—you hear them say: Can't you people quit your bickering and get things done? Well, I thought we did that on the farm bill. You can't get much better than 79 votes. That is the most votes the farm bill has ever had on the Senate floor. So Republicans, Democrats, East, West, North, South—different regions all were supporting it. So you would think the administration might have said: Well, gee, with that, maybe we ought to work with them and get it done. But we got a veto threat right away.

So, again, I thought we had a good product here when we passed it in the Senate. But, understanding that the House did not have the same views as we did, we had to go to conference. But I can say this again, that I hope in another farm bill that will come up 5 years from now, this is not going to happen again, that this is not going to happen again with the Finance Committee and the Ways and Means Committee basically controlling our agenda. They are good people. I do not want to cast aspersions on any committee or anything like that. But they have their agenda, they have what they want to do.

The Agriculture Committee did its work. As Senator CHAMBLISS said, if it had been just our bill, the Agriculture bill, we would have been done with this a long time ago. Our differences, whatever they are, are minor. We had basic agreements on different parameters and things such as that. So we had a good bill, and we have made good progress.

The other thing I wanted to say as long as I have the floor is that the President is not doing us any favors by the White House issuing the statement that we should have a 1-year extension. For some of the reasons that I think the Senator from Idaho pointed out, prices going up and things like that, people expect us to do something. And one of the big parts of this whole farm

bill—in fact, the biggest part of this farm bill is nutrition. Over 60 percent of this farm bill is nutrition; it is food stamps, it is the TEFAP program, the Temporary Emergency Food Assistance Program, WIC, it is all of these programs that help low-income people put food on their table. Yet we know, with the increasing prices of food, people are hurting, low-income people are hurting in this country.

Well, with a 1-year extension, we give no relief at all to low-income families. In this bill, what we have agreed upon so far is roughly about \$10 billion more—not base—\$10 billion more in nutrition programs. Now, if we have a 1-year extension, that is gone. So I think we have an obligation here to help people who are low-income, who maybe had a job and lost it, who need to go on food stamps for a short period of time to be able to help their families. Well, if we have an extension, that will not happen.

Energy. We hear a lot of talk—I think it is misguided—about some of the food going for ethanol and that is causing a lot of problems. That is not it at all. That is not it at all. A lot of people have the mistaken idea that the corn that is being made into ethanol is the corn people eat. That is not so. People do not eat that. It is not the kind of corn you buy and you eat on your plate at night. This is the corn which is fed to chickens and cows and hogs. Most of the hungry people in the world are not hungry because they are not getting meat; they are hungry because of subsistence diets. So the ethanol thing is kind of a bugaboo; that is a phony issue out there. But we recognize the limits, and we recognized that in the Energy bill we passed where we mandated a renewable fuels standard, but we said that, of that, no more than 15 billion gallons a year from present sources, corn. So therefore we want to move aggressively into cellulosic ethanol, using wood products and waste products and things such as those for making ethanol. This bill pushes us in that direction, moves us aggressively in that direction. Well, if we have a 1-year extension, we will lose yet another year or two on that.

Lastly, let me mention conservation. Millions and millions of acres are coming out to be used for crop production. You cannot stop it. These are contracts that farmers had to set aside land. The contracts are up. Because of the high prices of wheat and corn and beans and other commodities, farmers now see they can make money by planting row crops. That is fine. That is good. That will help keep the prices of food down. We need that productive capacity.

That is what was so good about the Conservation Reserve Program. It was like a reservoir, that if we needed it at some time, we could use it. Well, now is the time. We are going to use it. And more crops will be planted on this land. But some of these lands are fragile, they are hilly, they are highly erodible. So therefore we need to put

some incentives in there for farmers to do it right, to put in grass waterways, to put in buffer strips, to do minimum tillage, to do all that is necessary to conserve our soil and clean up our water. We can have production, and we can have good conservation. This bill puts a lot more money into the very conservation programs that will allow farmers to go out and plant and grow and yet be good conservationists. Yet, if we have a 1-year extension, we do not have that.

So for that and for a lot of other reasons, I wish the White House would quit talking about that and say: Look, you have a good bill. You have done a lot of work. We will work with you. We will get this bill done, and the President will sign it into law. That is the kind of cooperation we need from the White House right now and not the veiled threats of a year extension, things like that.

I think the Senator from Idaho is right, we have been so locked up in meetings on this that perhaps Senators and their staffs and others have not really been brought up to speed on what we are doing. I want to take this opportunity to bring them up to speed as to where we are in all of these negotiations.

We are very close. We are meeting right now again at 10:30 and will proceed on today, tomorrow, through the weekend if necessary to get this done.

I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CRAIG. Mr. President, no objection, but this was the original at the desk, not the one amended by the Chair?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. CRAIG. I thank the Chair.

Mr. Chairman, let me thank you for that report. I do not know if there is anyone here in ag country who does not want your work product to become policy as soon as possible.

I think the colloquy this morning has been extremely valuable. Please go back to work.

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

The bill (S. 2903) was ordered to a third reading, was read the third time, and passed, as follows:

S. 2903

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

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective April 25, 2008, section 1 of Public Law 110-196 (122 Stat. 653) (as amended by Public Law 110-200 (122 Stat. 695)) is amended—

(1) in subsection (a), by striking “April 25, 2008” and inserting “May 2, 2008”; and

(2) in subsection (d), by striking “April 25, 2008” and inserting “May 2, 2008”.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

ORDER OF PROCEDURE

Mr. KERRY. Mr. President, I ask unanimous consent that the time used in the colloquy we just heard not be charged to either side and that the remaining Democratic time be equally divided between Senator WEBB and myself.

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

Mr. KERRY. Mr. President, exactly how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 16 minutes on the Democratic side.

Mr. KERRY. I thank the Chair.

NATIONAL SMALL BUSINESS WEEK

Mr. KERRY. Mr. President, this is National Small Business Week. This country has nearly 27 million small businesses in total, and their contributions to the country are remarkable. They create the majority—the vast majority—of jobs, they drive the economy, and they are part of the solution to lead us out of economic downturns. But if we are going to really pay appropriate tribute to small business during Small Business Week, we frankly need to do more than simply provide lip service; we need to promote policies that work for small businesses, not policies that favor large businesses under the guise of helping small ones.

In the Committee on Small Business and Entrepreneurship, we have worked on behalf of small business on a bipartisan basis. Senator SNOWE, the ranking member, and I and the entire committee passed unanimously three bills to improve small business services that help America's job creators expand their payrolls. Unfortunately, these bills have been blocked for a full year by some in the Senate: S. 1256, the Small Business Lending Reauthorization and Improvements Act of 2007; S. 1662, the Small Business Venture Capital Act of 2007; and S. 1671, the Entrepreneurial Development Act.

S. 1256, the Small Business Lending Reauthorization Improvements Act, passed the Small Business Committee 19 to 0 on May 16, 2007, almost a year ago. This legislation authorizes the Small Business Administration's major lending programs which are the largest source of long-term capital for small businesses in the country. The bill also strengthens the microloan program, a concept that has proven unbelievably effective around the world in helping men and women lift themselves and their families out of poverty by accumulating assets, building wealth, and creating jobs. That is very important because the income gap, the economic gap, is growing year by year. When an

average White family's net worth is \$67,000 but an average African-American family's income is only \$6,100, we have a long way to go in terms of creating wealth and fairness. The SBA loans fill a gap left by traditional bankers and play a significant role in meeting the capital needs of business owners in underserved areas. If S. 1256 is enacted, we will be able to leverage \$87 billion in loans to more than 100,000 small businesses and reduce redtape for borrowers and lenders.

S. 1662, the Small Business Venture Capital Act of 2007, passed the Small Business Committee 19 to 0 on June 26, 2007, 10 months ago. This bill would simplify the Small Business Investment Company Debenture Program so it is more attractive to investors and allow the SBA to stabilize losses in the SBIC Participating Securities Program. The version of the bill we are trying to pass does not reauthorize the SBIC Participating Securities Program, as some in the past have suggested in public debate. They used that as one of the justifications for opposing efforts to pass the bill last December. The bill focuses on improving the SBIC debenture program, which is an initiative that has actually given us extraordinary job creators, such as FedEx, Intel, Calaway Golf. They have more than repaid the cost of anything to the Federal Government through taxes paid and jobs created.

In addition, S. 1662 reauthorizes the New Markets Venture Capital Program. This program addresses the market gap in venture capital for companies located in low- and moderate-income, rural, and urban areas—i.e., high unemployment areas—as well as the need for smaller deals that neither traditional venture funds nor the SBIC Program will make. It has proven successful so far, and we need more community development venture capital to create sustainable, high-quality, local jobs. This bill would allow the SBA to start anywhere from 10 to 20 more funds. Without this Government partnership, these investments are not going to be done. So at a time when our economy is pressured and hurting, when we need to create jobs, it doesn't make sense for the Senate to be blocking something that came out of committee 19 to 0, in a totally bipartisan effort. The bill also aligns the New Markets Venture Capital Program with the New Markets Tax Credit Program, which is exactly what Congress intended.

S. 1671, the Entrepreneurial Development Act, passed the Small Business Committee 19 to 0 on June 26, 2007, also 10 months ago. This act reauthorizes and improves the Small Business Administration's entrepreneurial development programs such as small business development centers, women's business centers, and SCORE. Poor management decisions are the No. 1 reason businesses declare bankruptcy. In a shaky economy, the topnotch counseling provided by these services is critical to en-

suring that small businesses survive the economic downturn and continue to provide jobs and income to families and communities.

This bill also increases assistance for small businesses wishing to conduct trade. Small businesses are 97 percent of all exporters, and for each additional \$70,000 in exports generated, one additional U.S. job is created. These jobs pay 18 percent more on average than nontrade-related jobs. So small business success helps the economy and creates jobs.

Lastly, this bill creates a number of pilot programs to help small businesses deal with rising health care costs and regulatory burdens, all of which hinder small business success. It creates new programs in support of Native American entrepreneurship and takes steps to improve small business ownership by minorities in highly skilled fields such as engineering, manufacturing, science, and technology, and it guides them toward entrepreneurship as a career option.

These bills I have described have the ability to help more than 1 million small businesses. They would help with credit, with venture capital or with counseling. It makes no sense at all to have one or two folks in the Senate holding up the ability to move forward on these when our economy needs innovation and, frankly, the job creation these businesses create. With 80,000 jobs lost in March alone and almost 300,000 jobs lost since January, there is no time to waste.

I hope we can get these bills done and do so shortly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

VETERANS COMMUNITY ISSUES

Mr. WEBB. Mr. President, I rise to talk about two issues with respect to our veterans community. First, I express my strong support for S. 1315, as reported by the committee, and my thanks, as a member of the veterans committee, to Chairman AKAKA for all the work that went into this legislation.

I wish to spend a little time talking about the provision of the bill that is in question. As someone who began working on veterans law as a committee counsel in the late 1970s, I understand the concerns of the Senator from North Carolina about the provision with respect to Filipino veterans who are living in the Philippines who would receive pension benefits from this bill. I emphasize that I believe the chairman has done a great job in trying to balance a list of powerful competing considerations that go to the aspect of basic fairness to those who served.

This issue has been around a long time. People have struggled with a way to resolve it. The fairness aspect cuts both ways. As Senator INOUE and others have been so clear in pointing out,

the question of assisting Filipino veterans for their service in World War II is complicated by the notion of the political status of the Philippine Islands at the time. They were, in fact, a territory of the United States politically, and they served under the command, in many cases, of American commanders and not simply in affiliated allied status as, for instance, the veterans of the South Vietnamese Army during the Vietnam war.

This situation is unique. It is complex, and it does create a series of obligations by our Government toward these people.

There is precedent of sorts for this activity. I go back to 1976, when President Ford signed into law a provision that gave limited veterans' status to Polish and Czechoslovakian freedom fighters who served during World War II, not with the United States military at all but had migrated to the United States. The logic was given at the time that since Poland and Czechoslovakia had fallen under Communist rule, they had lost the government that would have been able to give them veterans' benefits, and our Government did provide limited veterans' benefits to those people.

What we are talking about in this bill is the notion of according veterans pension rights to Filipino veterans of World War II living in the Philippines. It is important to emphasize to my colleagues that under veterans law, pension is not a gratis benefit such as, for instance, a Social Security pension that is given no matter one's economic status. In veterans law, pension is given based on need. This has been the focus of the debate for more than 30 years, as to how do you define, under American law, the cutoff in terms of standards of living inside the Philippines.

This is where Chairman AKAKA and his staff have worked so assiduously to come up with something that is fair. In order to apply for a veterans pension, you have to be in financial need. And the amount you receive is basically to get you to a certain level that gets you above the poverty level. So the average annual pension in the United States for an American veteran is just under \$10,000 a year. You can get up to nearly \$15,000 a year in the United States in your veterans pension program, and under some extremely unusual cases, you can get up to \$18,000. What we are talking about, the way the committee staff has worked this out in terms of equity, is giving the Filipino veterans living in the Philippines a \$3,600-a-year pension based on need, once they go into the U.S. formula. It is not a perfect solution, but I do believe it is an equitable solution. I intend to support it.

The second issue I would like to discuss relates to a piece of legislation that was introduced a couple days ago by Senator BURR, with Senators GRAHAM and MCCAIN as cosponsors. It is apparently designed to be an alternative to S. 22, the comprehensive GI

bill I introduced nearly 16 months ago, which was recently modified and reintroduced to reflect the collective view of a wide range of experts, both inside Government and in the veterans community. S. 22, the bill I originally introduced, now enjoys strong bipartisan support. We have 57 cosponsors in the Senate. That includes 11 Republicans. Among the cosponsors on this bill are the Senator from Missouri; Senator WARNER, former chairman of the Armed Services Committee; and many others, Senator HAGEL, who, along with myself, is the only ground combat veteran from the Vietnam war. A majority of the House is cosponsoring the exact version of S. 22 that we reintroduced. Most, if not all, of our leading veterans organizations have endorsed S. 22. In fact, it is important to note that the major pieces in this legislation were specifically endorsed in the recent Independent Budget submitted by a consortium of our top veterans organizations.

The proponents of this newly introduced legislation, Senators BURR, MCCAIN, and GRAHAM, maintain S. 22 would be too generous to today's veterans of Iraq and Afghanistan, would be too difficult to administer, and would unduly harm the retention of our active duty military people. I emphasize that these assertions are incorrect. I would say to all those Senators, whom I deeply respect—and I enjoy a long friendship with Senator MCCAIN that goes back 30 years—we have a lot of issues to debate in this Senate. We have a lot of issues to debate in the campaign this year. But this should not be one of them.

S. 22 is hardly too generous, unless people are prepared to say that the World War II GI bill was too generous. To the contrary, we have taken 15 months, with daily cooperation with all the major veterans groups and with many Members of the Congress. We have listened to them. We have refined this legislation in many important ways, and it is our best collective, bipartisan effort to mirror the types of benefits that were given to those who served in World War II.

Nor would this bill be too difficult to administer. There was a list of concerns about our bill when they introduced this other version, which is the reason that compels me to explain this. We worked closely with the Department of Veterans Affairs and with committee staff on the Senate Committee on Veterans' Affairs. We have addressed every major concern. For these reasons, Chairman AKAKA of the Veterans' Affairs Committee and Chairman LEVIN of the Armed Services Committee have cosponsored this bill.

Finally, there is no indication this bill would unduly harm active duty retention. Recent statistics from the Army and Marine Corps show that 70 to 75 percent of soldiers and marines who enlist return to civilian life at, or before, the end of their first enlistment. This is the pool that is having read-

justment difficulties, and this is the pool we are trying to assist with this legislation. The military is already doing a very good job of managing its career force. It is not doing a very good job of assisting this large group of people as they attempt to readjust to civilian life, and this is the primary focus of S. 22. With respect to active duty retention, a good GI bill will increase the pool of people interested in serving, lower first-term attrition, and would have a negligible impact on retention itself.

I see my time is about to be called by the Presiding Officer.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

GAS PRICES

Mr. BOND. Mr. President, I come to the floor today to note an anniversary. Although you may have noticed there has been no gift giving, no celebration, no remembrances of the day, the promise was made. That is because the people who made the promise failed to keep their promise. They failed to bring the change they promised.

Now, to what promise am I referring? I am referring to the day, 2 years ago today—April 24, 2006—when then-House minority leader NANCY PELOSI announced “Democrats have a commonsense plan to help bring down skyrocketing gas prices.” She told the American people that if they put Democrats in charge of the House and the Senate, we would all see lower gas prices. The then-minority leader, the senior Senator from Nevada, said, on that same day, that it was just “about priorities.”

Well, it is time to get real about energy. Democrats running for office across the Nation in 2006 said change would come with a Democratic Congress. Well, we certainly got change all right. Since the Democrats have come to power in the House and Senate, pain at the pump has increased by 50 percent. Americans who paid, on average, \$2.33 a gallon in January 2007 now pay \$3.53 a gallon, on average—hardly a change any of us bargained for. However, \$3.53 is just the national average. Some are paying much more. To just take a few States, in California, it is \$3.87; in Nevada, it is 3.60; in Illinois, it is \$3.67; in New York, it is \$3.67. Mr. President, \$1.30 more for a gallon of gas is certainly not the kind of change I would believe in or support.

What is this doing to hardworking families struggling just to get by? “With gas hitting record highs, drivers [are] feeling squeezed,” as my home State Kansas City Star reported this week. For example, Carol Licata, a 75-year-old retiree, told in the story of how a larger part of her fixed income is now going toward gas. She said that “to get to the doctors . . . it's an awful lot of money . . . I don't drive that often, but I have to take necessary trips . . . and [gas] takes a big chunk out of our budget.”

Fixed-income seniors, though, are not the only ones suffering record pain at the pump. Consider the plight of low-income workers struggling to get to work. Their affordable housing is a great distance, maybe, from where they have a good-paying job. Maybe they are driving from the inner city out to a suburban job or from a distant suburb, where housing prices are lower, to the city. Either way, modest-income folks with the least ability to pay higher gas prices are hit especially hard.

What about truckers? For all the hard work they put in on the open roads, they never seem to make more than a modest living. Now they are being hit with even higher diesel prices. At \$4.20 a gallon, diesel prices are 40 percent higher than they were a year ago.

Unfortunately, this pain at the pump is just one more burden families and workers are bearing at the same time as a housing meltdown, higher food prices, higher health care prices, higher power bills, higher heating bills, and I expect, this summer, higher air-conditioning bills.

So what is the Democrats' “commonsense plan” to lower gas prices and help working families? With record-high gas prices, it is clear we are still waiting for the “commonsense” part of the solution. About the only thing we have heard proposed from the other side is to increase taxes on oil companies. Since when does raising taxes on something increase its supply or lower its price? Never. Again, that is all we hear.

What is so sad is the fact that we are sitting on top of a big part of the solution. We can lower the prices by tapping the millions of barrels of oil just waiting for us here in America.

In Alaska, above the barren Arctic Circle, Democrats refuse to allow us to tap millions of barrels of oil in an environmentally safe manner. They say drilling in an area smaller than the size of Dulles Airport would have too great an impact on an area the size of the State of South Carolina. Congress, in 1996, passed a budget resolution which would have allowed the opening of ANWR. However, President Clinton vetoed that resolution, pointing out that he opposed and would not support opening ANWR. Had ANWR been opened, there would be a million more barrels of oil a day flowing into the United States.

Now, speaking of South Carolina, Democrats refused to let us get at millions of barrels of oil and natural gas a safe distance off our coastal shores, literally unseen because it is over the horizon. Some say this is another example of “not in my backyard,” or “NIMBY,” but this is really a case of not in “your” backyard because the people, for example, of Alaska and Virginia are happy with and want to tap the oil and gas on their lands and off their shores.

But Democrats still refuse to unlock the vast untapped natural resources

here at home. Our dependence on foreign sources of energy grows greater, and families continue to suffer. Is it any wonder Americans are fed up? Democrats are looking at thirsty Americans and saying: You should drink less or drive less. Now, do not get me wrong, I support and have supported aggressive but achievable automobile fuel efficiency increases, incentivizing low-emission vehicles such as hybrids and plug-ins, and more fuels from renewable sources, but these are long-range solutions that will not pay dividends for years.

Some say opening our reserves would not pay dividends for years. While it will take time for the oil to start flowing, there would be a message. Right now, the market is factoring in the present U.S. attitude which says we will do nothing to increase our supplies of oil. A change in our attitude would change their attitude for the future. Saying we are going to increase supply and cut demand would help relieve the pressure. I think we need to support it.

Another pressure I support relieving is continuing to add to the strategic petroleum reserves during times of record-high prices. We need to stop supplying these strategic petroleum reserves when gas hits \$3 a gallon.

Unfortunately, my friends on the other side, predominantly, support legislation that will send gas prices even higher. I am referring to the Warner-Lieberman climate bill the majority plans to bring to the floor in early June. In pushing forward that bill, Democrats are willing to say that \$3.53 a gallon gas is not enough. They will be telling the American people that gas prices should be even higher.

The Environmental Protection Agency recently estimated that Lieberman-Warner will force gasoline prices to rise \$1.44 per gallon higher. For those of you keeping score at home, that would mean \$5-a-gallon gasoline. It boggles the mind, the majority advocating \$5-a-gallon gas in just over a month, but that is what they would be doing supporting that bill. That is not the kind of change our families and workers need. That is not common sense. That is why there are no flowers today, no fancy dinner tonight. On this anniversary, there will only be more pain at the pump.

Mr. President, I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I thank the distinguished Senator from Missouri for making enormous common sense on a subject where, frankly, the Congress can only be characterized as having a schizophrenic approach to our energy crisis today. Congress always seems to talk a good game, but when it comes to actually doing something about it, the solutions seem to be few and far between.

I, too, think it is important to remember that since Speaker PELOSI made that promise 2 years ago, we have

not had anything happen in the Congress that would indicate that this "commonsense plan to help bring down skyrocketing gas prices" is any closer today than it was 2 years ago. You would think, if any party has a commonsense solution to help reduce the pain at the pump, they would be eager to unveil it and to debate it on the floor, to show it off. But, of course, as we finished out the 2006 session of Congress, we got no such bill.

So again, as elections are heating up, and, as we all know, our constituents back home are feeling the pain at the pump—and whereas there is a lot of concern today about food prices—a lot of the increase in food prices is caused because of increased costs of production on the farm, primarily energy costs. Again, we see that as it becomes a political football, it has become something to talk about in election season. But when it comes to the fact that now our Democratic friends have control of both Houses of Congress, we have seen no action—zero action—taken to reduce the price of gas.

The price of gas, as we know, has continued to go up. Here is a chart that indicates—right here on Capitol Hill—that back in, I guess we can call it, the good old days, unleaded regular was \$3.09 a gallon. Today, in April 2008, it is \$3.49 a gallon, right here in Washington, DC. In some parts of the country, it is approaching \$4 a gallon.

While \$3.09 is certainly not a low price by anybody's reckoning, it certainly looks pretty good today. But, frankly, we have not seen our colleagues on the other side of the aisle work with us to support any legislation that would be calculated to bring down the price of gas at the pump. As a matter of fact, this is calculated into the inaction as a result of the energy policies by the majority, and you see it costs the average American family \$1,400 a year in additional energy costs, additional gasoline costs.

So while the majority, which really runs the Congress, is quick to blame others for high oil prices, it is, in fact, their inaction that continues to raise gas prices. I wonder how long it will be before our friends on the other side of the aisle—who won the last election, who claimed a mandate as a result of that election—are actually going to act like the majority that they now are and help work with us to bring down prices at the pump. How long will it be before they stop pointing the finger of blame and start looking in the mirror for the solutions?

The only way we are going to resolve this schizophrenia when it comes to our energy policy is by Republicans and Democrats working together to pass commonsense legislation which will have the effect of bringing down the price of gasoline at the pump. I will talk about some of those in a minute.

The simple truth is, those who have been entrusted with the majority in the Senate and the House have failed to act to lower energy prices at all.

Rather than show us their commonsense solution, as Speaker PELOSI talked about, they have opted to pursue political posturing, which has done nothing to deal with the problem. So, as we see, the problem just gets worse and worse and worse.

Now, our side does not have all the answers, but we have proposed some good solutions, I think, which would help address America's growing energy crisis that we should and could act upon to start bringing the price of gas down.

Let me say, first of all, there are several reasons why the price of gasoline is so high today. First and foremost is skyrocketing consumption in other parts of the world. This commodity is in great demand, and we are competing literally with the entire world for this scarce commodity known as oil that is then refined to make gasoline. Of course, we know there remains political unrest in producing countries as well.

Every one of these problems could be mitigated, if not solved outright, by promoting and investing in America's natural resources rather than continuing to be so dependent on imported oil and gas from dangerous parts of the world and from our enemies such as Hugo Chavez in Venezuela.

We are a politically stable nation with the resources to invest in maintaining our infrastructure and to add production that would greatly increase the available oil and gas supply. All of that adds up to lower costs at the pump and more money in the pockets of American citizens.

There is a lot Congress can do that would be positive, but the one thing we can't do is to repeal the law of supply and demand. When you have a fixed supply and the demand goes up, the price invariably goes up. I don't know why Congress refuses to acknowledge that simple law of economics of supply and demand, and add to the supply.

First and foremost, we need to increase American energy production right here at home. Unfortunately, we see time after time and, again, our colleagues on the other side of the aisle block commonsense energy policies that would give American companies access to valuable resources such as oil deposits in the Arctic, in Alaska, the Outer Continental Shelf, on Government lands, and shale oil sites that have great promise in terms of the volume of oil that can be produced, the major component of gasoline. Of all of the cost drivers in gasoline, it is the price of oil that causes the greatest increase. If we could increase the supply of oil by increasing America's supply of oil by developing the resources we have in our country, it would vastly improve the situation we are in now.

In addition to lowering prices at the pump and increasing domestic energy production, it would also create more jobs in America. At a time when Congress is passing economic stimulus programs, spending enormous sums of taxpayer money, one of the best things we

could simply do is to change the policies that would allow us to explore and develop our own natural resources rather than depend on imported oil from foreign sources. Personally, I have always liked to see the "Made in America" label when I buy a product. Wouldn't it be nice to see that on the side of a gas pump here at home? Think of the thousands of jobs that could help kick-start our economy if we actually encouraged American energy production and less dependence on foreign sources.

Beyond increasing the supply of oil, we also need to increase our refinery capacity, the place where that oil is then made into gasoline. We haven't built any new refineries in this country since the 1970s because of restrictive policies of the Federal Government. One of the most costly steps in producing gasoline is refining oil to make it usable in vehicles. Since we have limited refining capacity—again, the law of supply and demand—a fixed supply and increasing demand is driving up the cost of gasoline because we don't have the refinery capacity to make the gasoline out of the oil. So prices continue to go up.

Finally, any American energy policy must, of course, include alternative sources of energy. We need to look to technology in our American legacy of innovation and research to help reduce our need on oil and gas, whether domestic or foreign. But that is not going to happen overnight. It is not going to happen even in the near term. But long term, clean coal technology, nuclear energy, even biofuels and wind energy can help reduce the strain on our gas supply by taking some of the energy load off of oil.

We need to be careful not to cherry-pick a few politically correct solutions. We have already seen the increase in the cost of food, in significant part because of food being used for fuel. Even with the best of intentions of an ethanol policy, it has created an impending crisis when it comes to using food for fuel.

I think it is time for us to take definitive steps to help reduce the cost of gasoline at the pump. We have some solutions, if we would get some cooperation on the other side of the aisle. Since the Democrats are now in charge, we would expect them to lead, to keep the promise that Speaker PELOSI made 2 years ago. We wish to help them come up with a common-sense plan to help bring down skyrocketing gas prices. But continued obstruction, continued schizophrenia, and continued reliance on politically correct solutions which sometimes end up backfiring is not the way forward. The American people are looking to us for a solution and it is high time we deliver. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I want to follow my colleague from

Texas in pursuing that very same discussion on the issue of energy. I was here before the Presiding Officer joined the Senate and I remember daily diatribes about how Republicans being in charge was leading Americans to have higher gas prices. In fact, I recall a great deal being made about what the gas prices were then, when they reached \$3 a gallon in April of 2006, and I recall a big show up here at the gas station on the corner, right here on Capitol Hill, about how if Democrats were in charge, this wouldn't be happening; it was only because Republicans were in charge that gas prices had reached \$3 a gallon. Now we are looking at a situation where they are \$3.69 in April of 2008, 2 years later.

The Democrats, as my colleague from Texas said, the House and the Senate leadership, with great enthusiasm, took control of both Houses of the Congress and promised the American people they would lower gas prices, they would change the dynamics, and they would deliver. We were promised an alternative to paying \$3 a gallon. I don't think what they meant was to pay \$4 a gallon, but it was an alternative to pay less.

American families are hurting. AAA reports that today's price of \$3.50 a gallon is the highest average price they have ever had on record. Families are paying record high gas prices and we still haven't passed a sensible energy policy that gets to the heart of this matter. Until that policy is passed, we ought to do what we can to offer Americans who are frustrated with the current prices some much needed relief.

Currently, oil is nearly \$120 a barrel. High fuel prices are translating into higher prices for groceries. What families need is relief. We need to do what we can to stem the rise of gasoline prices at the pump.

One of the ways I think we could do that and benefit our economy at the same time is a summer holiday from the 18-cent-a-gallon Federal gas tax. I have joined with several of my colleagues in supporting a gas tax holiday from Memorial Day to Labor Day. What a concept. Wouldn't it be nice. By suspending the gas tax 18 cents a gallon on gas and 24 cents on diesel, it would be putting money back into the pockets of American families. This would help those who have to drive great distances for work.

Many people in Florida who want to find affordable housing have to be a long ways from work. Florida doesn't have the kind of mass transit system many places in the Northeast and other parts of the country have. They have no option but to get in a car. When they do, they get hammered at the gas pump. People in the trucking industry are finding increasing problems in meeting their needs because diesel fuel costs are so high, so the cost of transporting goods is also going up. One of the things that benefits my State greatly is when the American family jumps in their car and goes for

a summer vacation. As the gas prices begin to hurt the pocketbook of the American family, fewer and fewer of them will have the joy of enjoying a vacation and more and more Floridians, already threatened by a weak economy, would have an additional problem of seeing vacationers not come to our attractions and beaches and maybe hurt our tourism economy as well.

Something else we can do is to seriously consider suspending the production of so-called boutique fuels. This is a requirement by States that mandate the use of different fuel blends to meet clean air standards. As States develop more and more requirements, the blends of fuel increase in number and now there are dozens of these fuel blends. Each one of them puts a strain on oil refineries which already are stretched to the max. States need to work to reduce the number of boutique fuels and increase their cooperation with oil refineries to harmonize fuel blend requirements. In other words, we all want clean air, but every State's version of how we get there ought to not be an individual act, but ought to be harmonized so we can then shorten or lessen the number of additional fuel blends that have to be made.

In addition, we need to expand refinery capacity in this country. We haven't built a new refinery in 30 years, yet we keep saddling our fuel system with more and more mandates. We do need to find a way where we can create more avenues for refining fuel. Our industry refines approximately 18 million barrels a day, but we use over 20 million barrels a day. That means we have a shortfall between what we can refine, what we can actually do in that regard, and what must be imported from other parts of the world. So as unthinkable as it is, the United States has to import refined fuel. We shouldn't be in that fix; we should be able to stay ahead of the demand.

We need long-term solutions to our energy problems. There are alternative sources of fuel, such as cellulosic ethanol, where it is synthesized using agricultural waste, biomass, and other byproducts that are renewable sources of energy and that do not compete with the food chain, which is an increasing problem we are finding. Florida could play a huge role in developing these fuels of the future and fuel technologies.

I was pleased that our energy bill last year included a very robust focus on these new emerging technologies that will require 21 billion gallons of cellulosic ethanol by the year 2022. Florida has a real potential to be a leader in biomass production, and we are quickly becoming leaders in this field.

So for the long term, we have taken some steps necessary to provide Americans with more alternatives to paying high gas prices at the pump, but more must be done. We must increase, where possible, more domestic production. We

need to also continue to expand avenues of research and opportunities for new fuel breakthroughs. I continue to believe that America's ingenuity is our greatest strength and we can look to ways in which we can utilize that ingenuity to find ways so we might conquer this addiction, as it might be called, to refined fuel. We must do better. We also have to help the American family to get away from \$3 and \$4 a gallon for gasoline. It is time we find a way to help the American family.

Beyond that, I think there is one thing every American can do today, and that is to conserve. If we were to conserve fuel and do that in a significant way, I know we would lower the prices of gas, not only of fuel in the barrel but also at the pump. I think all Americans have an interest in conservation and we should seek and lead our people to do more and more conservation, because until we have alternative fuels available, this may be the very best way in which we can lower our fuel prices.

We need leadership. We look for leadership from the majority party, and we hope part of that will include opening additional sources of exploration in America, where possible and where prudent, in compatibility with our environment; creating more options for fewer fuel blends, and more refining capacity; also, looking to cellulosic, but also conserving more energy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I yield back any morning business time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

VETERANS' BENEFITS ENHANCEMENT ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1315, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1315) to amend Title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes.

Pending:

Burr amendment No. 4572, to increase benefits for disabled United States veterans and provide a fair benefit to World War II Filipino veterans for their service to the United States.

AMENDMENT NO. 4572

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, there is 60 minutes of debate equally divided on the Burr amendment. Who yields time?

The junior Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I see that my colleague is here, Senator INOUE.

of Hawaii. Before I make my statement on S. 1315, I yield time to the senior Senator from Hawaii, Mr. INOUE.

The PRESIDING OFFICER. The senior Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, in 1898, when the United States defeated Spain in the Spanish-American War, we found ourselves suddenly becoming a colonial power. In opposition was the Philippines. Until the end of the war, World War II, we exercised jurisdiction over the Philippines like a colonial power.

However, in July of 1941, when we noted the presence of war clouds over the Pacific and Asia, we called upon the Filipinos to consider volunteering to serve the United States under American command. Thirteen days after December 7, we issued a command order inviting Filipinos to volunteer—it was a crucial time—and 470,000 Filipinos volunteered. From that number, we developed the Commonwealth Army of the Philippines—200,000. We set aside 200,000 of them to serve as guerrilla fighters and about 50,000 to serve as guards and patrols on the shore and along the borders.

History now shows us the Japanese attack, and as a result we had two tragic battles, Corregidor and Bataan. Before these battles were determined and ended, General MacArthur, the commander, was ordered to leave the Philippines, and he left with his staff and arrived in Australia. The Filipinos were left to do their part without proper armament, proper medicine, and with inadequate food. But they fought.

I think all of us remember the Bataan Death March when 75,000 were ordered to march 65 miles without food, medicine, or water. Along that trip, only 54,000 survived—the rest died. I think all of us recall the heroic movies that were filmed as a result of that march. The Bataan Death March became part of the vocabulary of the United States.

We saw Americans being bayoneted, hit, and killed. But the facts show that of the over 75,000 who had to undergo and suffer the Bataan Death March, 15,000 were Americans and 60,000 were Filipinos. They are the ones who got bayoneted. They are the ones who were slaughtered and killed.

Well, these Filipinos were willing to fight for the United States, to stand in harm's way on our behalf. They fought throughout the war as guerrilla fighters. They suffered thousands of casualties. Those who were fighting for America's cause and fighting under the command of American officers, strangely, could not receive American medals.

Now, if one should go to Baghdad, if he is wounded, he gets a Purple Heart. If he does something heroic, he gets a Bronze Star or Silver Star or DSC. Once in a while, someone gets a Medal of Honor. Well, in this case, these matters were not recognized.

The war ended on September 2, 1945, when the Japanese signed the surrender on the deck of the USS *Missouri*.

At that moment, we did not have an ambassador nor an embassy, but we had a high commissioner who was not authorized to accept applications for citizenship. Remember, one of the promises was citizenship.

So about December, Washington sent an official of the Immigration and Naturalization Service to receive applications from Filipinos. Well, he had no staff; he had to do it all on his own. But within a month, Washington decided to recall him. So here we had line upon line of Filipinos waiting to submit their application but no one to receive it.

Then, in early February of 1946, the Congress of the United States passed a measure signed by the President repealing and rescinding the act that we passed in July of 1941, and the Executive order that was issued right after December 7, in which we promised Filipinos if they fought for us, shed their blood, risked their lives and limbs, if they wished they could become citizens of the United States and get all of the veterans' benefits.

Keep in mind Manila was the most devastated city in World War II, so there were no veterans hospitals. That came later.

Well, this veterans bill has a provision in it—a provision of honor—in which, finally, after over 65 years, we will restore our honor and tell the Filipinos: It is late, but please forgive us. There are few remaining of the hundreds of thousands of Filipinos who volunteered and risked their lives. At this moment, I think there are about 18,000 left. As I speak, I am certain some are on their deathbed and dying.

This provision has some rather insulting provisions, but the Filipinos are willing to take it. Some of my colleagues have suggested that the cost of living in the Philippines is less than the cost of living here, so their pension should be one-third of an American GI's, who did the same thing, with the same injury—but one-third. That is all right. But to suggest only those who were in combat, I don't know what that means.

For example, in Iraq, whether you are out on the street or on the boulevard in a truck or in the so-called Green Zone, you are on the front line. Bombs can hit you anywhere. It is the same thing with a guerrilla fighter. Where is the front line for a guerrilla fighter? Is it the jungle? Is it the city? Is it his home?

My colleagues, I hope we will take this opportunity today to restore the honor of the United States and undo the broken promise and make it good. There are a few Filipino World War II veterans left. At least we can face them and say: Yes, it took us a little while, but we are going to carry out our promise. Let's do that.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from Hawaii has 20 minutes remaining.

Mr. AKAKA. Mr. President, I am very pleased that S. 1315, as reported by the Veterans' Affairs Committee, the proposed Veterans' Benefits Enhancement Act of 2007, is finally before the Senate for consideration and action.

I want to express my huge gratitude to the majority leader, also the minority leader, and especially to my friend, the ranking member, for coming to an agreement for our offering today.

This comprehensive legislation would improve benefits and services for veterans both old and young.

The Veterans' Affairs Committee reported S. 1315 to the full Senate in August of last year. At that time, my belief was that debate and consideration of this legislation by the full Senate, would take place during September. That did not happen. Now we have a good agreement.

As I have described in detail this week, further action on the bill has been blocked because of opposition from the other side of the aisle to certain benefits for Filipinos who fought under U.S. command during World War II.

Mr. President, the people of the Philippines did not shy from the call to fight during World War II. They were true brothers in arms who fought valiantly under U.S. command in World War II. This bill, at long last, recognizes the valor of all Filipino veterans in sacrifice to this noble cause and loyalty to their American commanders.

On July 26, 1941, President Franklin D. Roosevelt issued an Executive order ordering all military forces of the Commonwealth of the Philippines into the service of the Armed Forces of the United States under the command of a newly created command structure called the U.S. Armed Forces of the Far East.

According to orders from General MacArthur, Philippine units once mustered into U.S. service would be paid and supplied from American sources.

The unique relationship between the Philippines and the United States made the Philippine islands particularly susceptible to Japanese aggression during the war.

Historians agree that the Japanese strategy was based upon a plan to destroy or neutralize the U.S. Pacific Fleet at Pearl Harbor, and to deprive the United States of its base in the Philippines. Were it not for the U.S. presence, the Philippines would not have presented the Japanese with a strategic threat and turned into a battlefield.

The Philippine forces under U.S. command suffered heavy casualties as a result of the Japanese invasion. It is estimated that 10,000 Filipinos died during the Bataan Death March, along with 3,000 U.S. soldiers. The Philippines, throughout the war, suffered great loss of life and tremendous physical damage.

By the end of the war, the capital city of Manila was in ruins and up to one million Filipinos had been killed.

In October 1945, General Omar Bradley, then Director of the Veterans' Administration, affirmed that all Filipinos who served under U.S. command were entitled to all benefits under laws administered by that agency.

However, in 1946, the U.S. Congress, through the Rescissions Act of 1946, withdrew veteran status from certain Filipino veterans of World War II.

Upon passage of the Rescissions Act, President Harry Truman expressed his disapproval of the withdrawal of benefits from Filipino veterans. He stated:

There can be no question, but that the Philippine veteran who is entitled to benefits bearing a reasonable relation to those received by the American veteran, with whom he fought side by side.

The action by Congress in 1946 to strip Filipino veterans who served under the American flag during World War II of the recognition and benefits that were their due was a grave injustice. It is especially regrettable that this injustice has existed for so many years.

I wish to speak briefly about the purpose of pension benefits and more specifically about the pension benefit in the pending bill.

Veterans' pension benefits are provided to allow veterans to live in dignity and meet their basic needs. The amounts proposed in this legislation would permit Filipino veterans who have been denied their rightful status as United States veterans for too long to finally live in dignity.

Unlike other World War II veterans, these veterans have been denied pension benefits for over 60 years. It is also important to note that these benefits are not retroactive.

The amounts proposed are sufficient to give aged Filipino veterans a payment that would allow them to meet their basic needs for adequate nutrition and medicine.

The pension proposed for Filipino veterans is less than one-third of the basic amount provided to veterans living in the United States, in recognition of the lower cost of living in the Philippines. Measured against the aid and attendance standard, the proposed benefit is about one-sixth of the amount provided to veterans in the United States.

Because the income and asset verification procedures used in the United States are not available in the Philippines, and it is not feasible to develop an administratively efficient system in the Philippines to monitor the income and assets of pension recipients, the bill provides a flat benefit amount substantially lower than that paid in the United States.

I believe firmly that the proposed amount is a reasonable benefit taking into account all of these factors.

As I have said time and time again, this legislation would correct an injustice that has existed for over 60 years.

I, like President Truman, believe it is the obligation of the United States to care for those who have fought under the U.S. flag. It is past time to right that wrong.

As my fellow World War II veteran, the senior Senator from Alaska, said only yesterday, this is about honor. I believe it is the moral obligation of this Nation to provide for those who served under the U.S. flag and alongside the U.S. troops during World War II.

The soldier's creed is to leave no fellow warrior behind. I believe in that creed. I believe it is important to acknowledge the valiant service of those Filipino veterans of World War II who served under U.S. command.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, will the Senator yield me time, please?

Mr. BURR. Mr. President, I yield the Senator what time he may use.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the Veterans Benefits Enhancement Act of 2007 would recognize the service and sacrifice of Filipino veterans who fought under our flag in World War II. I join my good friends and fellow World War II veterans, Senator INOUE and Senator AKAKA, in supporting the restoration of veterans benefits to these heroic individuals.

Filipino troops fought as American nationals, under the American flag, alongside American soldiers, and under the command of American GEN Douglas MacArthur, earning themselves the status of U.S. veterans.

Like most American troops, Filipino soldiers were effectively drafted into the U.S. military.

When war with Japan became imminent, President Franklin Roosevelt ordered the military forces of the Philippines into the service of the U.S. Armed Forces. The President held this authority because the Philippine Islands were a U.S. possession and the power was written into our law.

The position of these Filipino soldiers was similar to the thousands of courageous Alaskans who volunteered to serve in the Alaska Territorial Guard and protect Alaska before it became a state.

Nearly 60 years later, in 2000, Congress determined that the service of the Alaska Territorial Guard was "active duty" service, making them eligible for the same veterans benefits Filipino veterans now seek.

Just 10 hours after the attack on the U.S. at Pearl Harbor, Japan invaded the Philippines. In the years of war that followed, Filipino soldiers fought alongside American troops with uncommon valor and loyalty to the United States.

Stories of their heroism and sacrifice are abundant. Outnumbered by the Japanese and forced out of Manila, Filipino soldiers and U.S. troops held

their ground for months before being forced to surrender on the Bataan Peninsula and in Corregidor.

Nearly 80,000 Filipino and U.S. soldiers were taken prisoner and forced to walk to a prison camp over 65 miles away in what became known as the infamous "Death March." As many as one in three of these men, weakened by disease and malnutrition and tortured by their captors, died before reaching their destination.

After their American leader, GEN Douglas MacArthur, was ordered to Australia, thousands of Filipino guerrilla soldiers continued resisting Japanese occupation for nearly 3 years. When MacArthur and allied forces returned, Filipino soldiers fought fiercely until Japan's surrender.

One million Filipino combatants and noncombatants died in World War II. In comparison, approximately 400,000 U.S. troops lost their lives in all theaters of the war.

As President Truman would later say of the Filipino troops: "Their assignment was as bloody and difficult as any in which our American soldiers engaged."

Congress should remember the vital contributions of Filipino veterans to the success of the allied forces. Their resistance distracted the Japanese in the Islands, preventing them from deploying elsewhere and possibly reaching the U.S. mainland.

These soldiers bought precious time for General MacArthur to mount a successful counterstrike.

After the war, the U.S. Veterans' Administration determined these service members met the definition of "active Service" in the U.S. Armed Forces and were eligible for full VA benefits.

Under the Rescission Acts of 1946, however, many Filipino veterans' World War II service no longer qualified as 'active duty' service. Congress stripped these soldiers of the benefits they had earned. Filipino veterans and their advocates have fought for the Restoration of these benefits for more than 60 years.

This bill contains provisions that would restore U.S. veteran status to all Filipino World War II Veterans, increase service-connected disability compensation, and provide a reduced flat rate pension to many Filipino veterans residing in the Philippines.

Nonservice-connected pension and death pension benefits are available to all qualifying U.S. veterans regardless of race, national origin, or citizenship status.

Many Filipino World War II veterans and their survivors have been excluded from receiving these benefits. This bill proposes a reasonable and fair way to assist to these veterans.

The expense of this reduced benefit is justified by the contribution of Filipino veterans to this country. If not for their service, the fate of the United States could have been very different. For this, they should be treated as American veterans.

The proposed benefit would cost only a fraction of what it would have if pensions were made available to all Filipino veterans who were entitled. The Embassy of the Philippines claims there were 470,000 Filipino veterans after the war.

Today only about 18,000 of these veterans—most in their eighties—still survive.

Filipino World War II veterans residing in the Philippines have been denied eligibility for pension benefits for more than 60 years. A pension benefit about one third the size of that available to veterans in the United States is not overly generous.

I hope Congress will recognize the service of all our Filipino World War II Veterans just as we have for the Alaska Territorial Guard.

It is time we show our Nation's gratitude for the role Filipino World War II veterans played in our history, fighting alongside soldiers from the U.S. and helping us secure victory over tyranny.

Mr. President, I am grateful to the Senator from Hawaii, Mr. AKAKA, for the comments he made. I do believe this is a matter of honor. I understand how some of the younger Senators might view this as being costly, but I wish to put it in perspective.

As I pointed out, there were approximately 1 million Filipinos killed in action in the defense of our country in World War II. Approximately a half a million survived. Actually, during the war, as I have also pointed out, President Roosevelt said all Filipinos were subject to service in our Armed Forces; in effect, he conscripted the Filipinos to serve.

Those who survived were treated at first as our veterans on the mainland. Subsequently, it was determined that those who came to our country, to the mainland, would be treated fully as veterans of all types in the country were treated. We have to remember, this was an all-male military, primarily a draftee Army of over 16 million men.

First the VA determined all Filipino veterans were subject to the same laws as in the United States. If a person came to the United States as a veteran from the Philippines, he was automatically given citizenship and entitled to full benefits of all the veterans laws, including the GI bill, the right to have money to build a home, and a lot of other benefits were involved in those actions taken by Congress to try and deal with the returning veterans and help them regain their lives.

Later, it was determined that those benefits would not be paid to many of those who stayed in the Philippines. We have been trying for many years to restore those payments. I commend the Senators from Hawaii for trying to do so.

Actually, we had a parallel situation in the Alaska Guard. The Alaska Guard was primarily made up of Eskimos and Alaska Native people who patrolled the borders of Alaska. I remind the Senate

that we have half the coastline of the United States. Those people who were in the Alaska Guard patrolled with their dogsleds without any uniforms being issued to them. It took us a period of time until we were able to recognize them, and we did so. We finally awarded those people in the National Guard their rights as veterans of the United States military forces.

This is something we have to do, as far as I am concerned. The provision in this bill restores the benefits these Filipino veterans have earned. I do believe, as I pointed out the other night on the floor, the Senate should know that Senator INOUE and I went to the Philippines this year and met with some of these people. I am 85 this year and my friend is 84, and we were the youngsters at the meeting. These Filipino veterans who are surviving are our age or older. Most of them are infirm. There are 18,000 left out of the 470,000 plus, almost half a million survivors. This bill restores their benefits.

How long can they last? People who have talked about the cost of this benefit I think misunderstand the situation. This is not a cost of today's economy. This is not a cost for today's taxpayers. This is a burden that should have been borne before.

These people have not had these benefits during all of these years, and they have asked us now, as a matter of honor, to restore their rights before they leave this planet.

I, for one, appeal to the Senate. As I said, there are now only five of us from World War II left in the Senate. When I came here, there were more than 70. There would be no question—I didn't know this actually happened, I have to tell you. We discovered a year ago, when Senator AKAKA raised it, that this situation exists in the Philippines. I do believe it is an action that must be taken. These people not only now are our allies, but they have warmly supported our efforts throughout the world. I do believe to recognize the service and sacrifice of these Filipino veterans who fought under our flag in World War II is absolutely essential. These benefits are going to the heroes of the Philippines who are now surviving.

Lastly, I again point out to the Senate, those who lived through that time know if they had not made this sacrifice, if they had not lost two-thirds of their men in World War II, we would not have had the time to rebuild America. We would not have had the time to bring in the forces, to train the people who finally carried the war throughout the world to two tyrants, to Hitler and to the Japanese.

We have not had a world war since that time, and I do hope the world will never see another world war. But these people were the keys to the Pacific. Without them, we would have certainly been at war another couple of years at least and certainly would have seen an exchange of atomic weapons by that time. They gave us the time to survive,

and I think we ought to give them their rights before they leave this planet.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. BURR. Mr. President, I yield myself as much time as I may consume.

Chairman AKAKA is a good man and a fair man. He is a wonderful chairman. He has produced a bill which has a tremendous amount of good. I am in deep respect of Senator INOUE and Senator STEVENS. This country owes both, as well as all World War II veterans, a tremendous thanks for their commitment.

As Senator STEVENS mentioned ages, it made me think, on Monday my dad turned 87. He fought in the Pacific. He did it because it was the right thing to do. I believe protection of our veterans is the right thing to do.

Let me, if I may, focus everybody on what S. 1315 is. I ask a chart be put up. One might hear this debate and think this is all about a special pension for Philippine veterans who live in the Philippines who have no service-connected disability. There is a difference. This bill is so much more.

It is \$332 million in Philippine benefits, of which \$221 million is devoted to a new special pension that does not exist. There is a term life insurance program for our veterans of \$83 million over 5 years and \$326 million over 10 years; state approving agencies, \$60 million; mortgage life insurance for our veterans, \$51 million, retroactive traumatic injury, on-the-job training benefits, supplemental insurance, housing grants for burned injured, auto grants for burned injured, COLA for surviving spouses, and much more.

I wanted to highlight those items that are mandatory spending in the bill.

This is a good bill. Regardless of the outcome of my amendment, I want my colleagues to support final passage of this bill.

Having said that, I highlight the fact that we do have a difference as it relates to the pensions. Before I get into the specifics of why I believe, not as some have portrayed it that I believe it is too costly, I believe that, one, there was not a promise made. We did not imply it. It was not an impression that people had; that, in fact, when we look back at those individuals who served in this Chamber who made the decision on the Rescissions Act, they looked at the history very well. They looked at what Franklin Roosevelt said and the documents that backed it up. They looked at what General MacArthur said and the documents that backed it up. And they felt this was not the way for us to go.

Mr. President, I wish to yield a short period of time to my colleague, Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I appreciate Senator BURR's leadership on this

issue. I, too, express my appreciation, and I have to say our two Senators from Hawaii are beloved by all Members of this Senate and people whom we respect enormously, as well as the Senator from Alaska.

My father was a veteran of World War II, and the service each of these veterans has provided for our country and for our freedom and security is something we can never thank them for enough.

I agree with Senator BURR that this bill is largely a very good bill, and I am proud to have contributed some provisions that helped enhance veterans' benefits, primarily by cutting redtape that would allow disabled Active-Duty Military personnel to get housing benefits before they officially retire from Active Duty; making family members eligible for housing grants if they are caring for a wounded warrior—and I especially want to recognize the good work of Rosie Babin, the mother of Alan Babin, of Round Rock, TX, who brought this to my attention, and so now we have this provision—and ensuring that burn victims are eligible for housing grants—and this is an area where I want to recognize the work of Christy Patten, the wife of Everett Patten, from Kentucky, who was hospitalized at the Brooke Army Medical Center with burns he received from an IED, and I thank them for the help they provided me in working with the Veterans' Affairs Committee to make sure they were provided for here.

I appreciate the good work our Filipino allies contributed to our effort in the Far East, but I have to say that the problem I have with this bill, and the reason why I agree with Senator BURR, is that the U.S. Treasury is not bottomless, and the funding that is being provided to create this new pension for these Filipino allies, which were of course fighting not only with us but for themselves and for the freedom of their country, is that it would literally be at the expense of U.S. veterans.

The \$221 million that is addressed by Senator BURR's amendment would actually go back in to supplement benefits for United States veterans. And while we appreciate and honor and do nothing but show our respect to all of our allies who fought alongside of us in World War II, certainly that doesn't mean we are going to grant pension benefits to all of our allies, starting with the Filipino veterans, or the British, or the Australians, and all the other allies that fought with us in defeating Hitler and the threat in Japan.

Frankly, I can't see our priorities are correct if we do this at the expense of American veterans. That is why I support the amendment by Senator BURR, and I hope our colleagues will vote for it, because certainly our American veterans should be our priority.

I yield the floor.

Mr. BURR. Mr. President, I thank the Senator from Texas.

Let me highlight one area from these 11 points of the substance of Senator

AKAKA's bill, and it is the creation of a new special pension of \$300 a month to Filipino veterans who live in the Philippines who have no service-connected disability and who did not serve in the United States services.

Now, the reason I want to draw that distinction—and I will ask for the next chart—is there are four groups of Filipino veterans. It is important to understand that the group we refer to as Old Scouts enlisted in the U.S. Army. Because they enlisted in the U.S. Army, they are extended every benefit a U.S. veteran has. We had three other groups, though, the Commonwealth Army of the Philippines, Recognized Guerilla Forces, and New Philippine Scouts. Of those three categories, none were enlisted in the U.S. service.

Senator INOUE was correct, they were under U.S. command. There were a lot of people in the Second World War who were under the U.S. command. But the official account lists this as the Commonwealth Army of the Philippines. Now, the question that is at the heart of the matter here is: Were Filipino veterans promised VA benefits? According to the information provided in a 1998 congressional hearing, the Department of the Army examined its holdings on General McArthur and President Roosevelt and found no reference by either of these wartime leaders to post-war benefits for Filipino veterans.

Let me draw a distinction. For any Philippine veteran who has a service-connected disability, they are compensated today, whether they live in the United States or whether they live in the Philippines. For the soldier in the Commonwealth Army of the Philippines, those whom Senator STEVENS referred to from the Bataan Death March or side by side in the foxhole, and who had a service-connected disability, they receive compensation from the U.S. Government today, and have continually. The reference that they only got part of what the U.S. vet gets is, in fact, accurate. Because of the difference in the two economies, it was structured to recognize their economy and not to provide more than an equal share to U.S. veterans.

In this bill, we make a change, and that is why, when I alluded to the fact there is \$320 some million designated for Filipinos but only \$221 million designated to the special new pension, the other \$100 million Senator AKAKA has recognized that 50 cents on the dollar is very difficult to substantiate. What he does is he raises it dollar for dollar with U.S. veterans.

Let me put that in perspective. For a 100-percent disabled veteran in the Philippines today, it means today they get \$1,200 a month. After this bill passes, they will get \$2,400 a month, in an economy where the average annual income is \$2,800 a month. We will take every servicemember, regardless of which of those three branches of the commonwealth army they served in, and they will be in the elite class from

a standpoint of income. I support that. I support Senator AKAKA's change in the law.

But the root issue raised is: They were promised something more. Was it Congress's intent to grant full VA benefits to Filipino veterans? First, it is important to note that it was a 1942 VA legal opinion which concluded that Filipino veterans had served "in the active military or naval service of the United States" and on that basis were eligible for VA benefits. Senator Carl Hayden, who in 1946 was the chairman of the Subcommittee on Appropriations, had this to say about VA's legal determination regarding Philippine Army veterans during the committee proceedings in March of that year:

There is nothing to indicate that there was any discussion of the meaning of that term, probably because it is generally well recognized and has been used in many statutes having to do with members or former members of the American armed forces. It would normally be construed to include persons regularly enlisted or inducted in the regular manner in the military and naval service of the United States.

He goes on to say:

But no one could be found who would assert that it was ever the clear intention of Congress that such benefits as are granted—under the GI Bill of Rights—should be extended to the soldiers of the Philippine Army. There is nothing in the text of any of the laws enacted by Congress for the benefit of veterans to indicate such intent.

He goes further to say:

It is certainly unthinkable that Congress would extend the normal meaning of the term to cover the large number of Filipinos to whom it has been suggested that the Servicemen's Readjustment Act of 1940 applies, at a cost running into billions of dollars, aside from other considerations, without some reference to it either in the debates in Congress or in the committee reports.

Maybe this is the debate in Congress. This issue was raised in 1997, and in June of that year, when the Clinton administration was asked to testify on this, Stephen Lemons, Acting Under Secretary for Benefits, was quoted in the hearing as saying this:

History shows that the limitations on eligibility for U.S. benefits based on service in these Philippine forces were based on a carefully considered determination of the government's responsibilities toward them.

They testified against extending that benefit.

In 1948, there was a House hearing, and in that House hearing there was an exchange between witnesses and Members of the House. There was a Father Haggarty who came to testify, and I read from the official accounts of that hearing. This is Father Haggarty:

It was constantly promised, as the ambassador mentioned, in radio broadcasts, official American broadcasts to the Philippines in the war. It was definitely promised by General McArthur, General Wainwright, and also it has been acknowledged, I believe, that the Philippine groups recognized the guerrillas, acting as members of the United States Armed Forces, were entitled at one time to complete GI bill of rights. That is, they were included. I believe that is correct, and were later left out.

Mr. Allen, Member:

May I say there, Father, I know you are sincere about it, but I think you are in error. Because there are three or four of us here on the committee who were present when the GI bill was written, and I don't think that ever entered into it.

So the individuals who wrote the GI bill in a committee hearing are verifying that was not even discussed, much less their intent.

There are a number of documents that have existed as committees have held hearings over a period of time from the Department of the Army, from the Roosevelt library. There have been searches everywhere to try to find any documentation that would lead one to believe that there was a promise, that there was an insinuation, and the fact is, whether it is Roosevelt documents, whether it is Army documents, whether it is General MacArthur's personal documents, no one can find anything, other than "we believe this existed."

What factors influenced Congress's decision to limit certain VA benefits to Philippine veterans in what is known as the Rescissions Act of 1946, where it was made perfectly clear in legislation that this was going to happen? Well, you have heard it from the authors of the GI bill. "We never intended this to be extended." The Congressional Research Service testimony in April of 2007 provided the following conclusion based on its review of the congressional history.

It seems clear that Congress considered the Rescissions Act in the context of providing for the comprehensive economic development of the soon to be sovereign Republic of the Philippines.

President Truman, in signing the Rescissions Act, reminded everyone in the United States that we shared responsibility with the Philippine Government for the welfare of Philippine veterans, but recognized that certain practical difficulties exist in applying the GI bill of rights to the Philippines.

Again, the second President in the line suggesting that this was not the intent.

As I said earlier, we extend disability compensation to any Filipino veteran, regardless of Commonwealth Army or of the U.S. Army, who was injured in service or disabled because of service. Now, what have we done? What specifically has the United States done since we left the Philippines?

After the war, the U.S. provided \$620 million—in today's dollars that is \$6.7 billion—for repair of public property and war damage claims and assistance to the Philippine Government. VA compensation for service-related disabilities, as I said, and survivor compensation was also provided, and again paid at a rate that reflected differences in the cost of living.

We are changing that. We are raising it to 100 percent. The United States provided \$22.5 million—\$196 million in today's dollars—for the construction and equipping of a hospital in the Phil-

ippines for the care of Filipino veterans. In addition, the U.S. Government provides annual grants to support the operation of the hospital, which was later donated to the Philippine Government. The grants continue to exist today.

Survivors of the Filipino veterans who died as a result of service are eligible for educational assistance benefits. Filipino veterans legally residing in the United States are eligible for full-rate disability compensation, full-rate cash burial benefits, full access to the VA health care clinics, medical centers, and burial in our national cemeteries.

I am not sure anybody can leave this debate and say we have not done our share. So we are back to one issue: the special pension. We are back to the creation of a special pension for some number of Filipinos who served or were affiliated with the Commonwealth Army of the Philippines that would place them in a pension category of \$300 a month.

I will ask for the last chart to go up. I made this case 2 days ago extremely hard, and I want my colleagues to listen. The proposal to raise \$300 is on top of what is currently paid by the Filipino Government to every veteran. That is \$120 a month. That \$120 a month in the Philippines puts every veteran 400 percent above the poverty line in the Philippines. Let me put it in perspective to the United States. For our veterans who receive a special pension because of income, that pension equates to 10 percent above the poverty line. Today, the \$120 a month equates to 400 percent above the poverty line.

What we are being asked to do in 1315, and what I am cutting from 1315 and allocating to our veterans, is \$300 a month, which would raise the Filipino veterans to 1400 percent over poverty.

Mr. President, that is 27 percent over the median annual income of a Filipino.

I might once again say, for U.S. veterans under special pensions, they are 10 percent above poverty; they are at 21 percent of median income—under, not over. This one change, this one creation of a new program, puts the whole group at 1400 percent over the poverty line and 27 percent over the median income. This is on top of the \$1,200, if they are fully disabled, that they are currently getting each month. What Senator AKAKA will do in his bill, and I support, raises that to \$2,400 if they are 100 percent disabled.

I say to my colleagues, we are not here to create another class in the Philippines. I hold Senator INOUE's and Senator STEVENS' belief that we owe these individuals so much—but so do we to our veterans, to my dad who just turned 87 who fought in the Pacific. Senator CRAIG, in the committee markup, attempted to reach a compromise. He offered \$100 versus \$300. It was rejected. The chairman knows I do not have any ill will over that; a decision was made, and it was rejected on a party-line vote.

I hope—and I say this to the chairman today—I hope this is the last time while I am here when the Veterans' Affairs Committee brings a bill to the floor that does not have the bipartisan consensus that history has proven, and I think he and I can accomplish that.

We inherited something on which we were incapable of coming to some compromise, so we have a tough decision to make. That decision today is about, frankly, our veterans or their veterans. Are we going to enhance the benefits for housing grants and for car grants or are we going to create a new special pension for Filipino veterans who live in the Philippines who have no service-connected disability? It is an issue of, is it equitable?

What my amendment does is simple. It eliminates this new special pension and takes the \$221 million and increases the grants that we have in adaptive housing for our burned veterans and for car grants.

We respect and we are grateful for the brave Filipino fighters, but this is about today, not yesterday. It is about the needs of our veterans, the equity of our generosity. It is not about broken promises, it is about recognizing priorities. It is not about young Members looking and saying that is too much money. No, it is about young Members looking and saying: You know what, when you can't fund everything you have to prioritize.

I urge my colleagues, I implore my colleagues, support my amendment and make sure we put our priorities in the right place. Then vote for passage. Support the chairman in his efforts for passage and know that each one of us will have upheld our responsibilities to our warriors, those individuals who protect us every day we are here.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The time of the Senator has expired. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I yield 5 minutes to the Senator from New Jersey, Mr. MENENDEZ.

Mr. MENENDEZ. Mr. President, the Veterans' Benefit Enhancement Act we are debating contains a number of important benefits to provide for our veterans. It would expand eligibility for traumatic injury insurance, provide job training, and help disabled veterans make their homes more accessible. That is all worthy.

There is also another issue. In 1941, President Roosevelt called on the people of the Philippines to fight for their freedom and ours, and thousands of brave Filipinos answered the call. They carried out operations to liberate their homeland and joined us in support of our efforts in the Pacific theater. They fought and died at Corregidor, they were with us on the beaches of Bataan, and in the death marches. They were there when General MacArthur promised he would return, they fought using guerrilla tactics to tie down the Japanese, and they fought under General MacArthur when he came back and said, "I have returned."

Throughout the war, Filipino soldiers fought under the American flag, serving with valor, strength, and dignity. President Roosevelt guaranteed those brave soldiers that the United States would come to their aid in times of peace, just as they had come to our aid during times of war.

He guaranteed them equal veterans' benefits—a fair promise, considering their service and considering the law of the land, as they were full members of the U.S. military.

But in 1946 in one of the most misguided legislative actions at the time, Congress took away the benefits that the President of the United States had promised them, benefits they had rightfully earned.

Of the approximately 250,000 Filipino veterans who fought for us in America, only 18,000 are still alive today. Many of them are searching for ways to pay for health care and struggling in ways they never should. These veterans have more yesterdays than tomorrows. They are well into their eighties, and in terms of our budget, what this bill would cost over the next 10 years we are spending in Iraq every 18 hours. Those who say it will cost too much are the same voices who said it would cost too much to do what Democrats did under the leadership of Senator AKAKA when, for the first time, we fully funded the veterans independent budget.

When we bring this bill to a vote, we will be answering a very simple but powerful question: Does our Nation keep its promises? We need to right an injustice of the past and show our allies, for future purposes as well, when we tell people to join us in our fight against terrorism, to join us in our fight against other challenges in the world, that America honors its obligations to those who fight for the values and principles we collectively share.

This is a critical time to send a message to friends of freedom across the world that we remember our allies, and we pay our debts.

Our distinguished colleagues in this Senate who have served during World War II have said this is not simply a question of budget, this is a question of honor. These individuals of honor put their lives on the line for our Nation, and now the honor of our Nation is on the line.

Let's just show a fraction of the bravery they did and vote to restore to them what they were promised, what was the law, and what they rightfully earned.

Now, like lawyers, there are some who are picking on points here or there to build a case against these benefits. In my mind it is a case made of sand. Let's vote to bring an honorable ending to this story and in however small a way let us pledge now to give them dignity in the twilight of their lives.

I urge my colleagues to support Senator AKAKA's bill as it is to be able to keep our word in the world.

Mr. President, to reiterate, the Veterans' Benefits Enhancement Act that

we are debating contains a number of important measures to provide for our veterans. It would expand eligibility for traumatic injury insurance, provide job training, help disabled veterans make their homes more accessible. And that is all worthy. But there is also another issue.

In 1941, President Roosevelt called on the people of the Philippines to fight for their freedom and ours, and thousands of brave Filipinos answered the call. They carried out operations to liberate their homeland, and joined us in support of our efforts in the Pacific Theater. They fought and died at Corregidor. They were with us on the beaches at Bataan, and in the death marches. They were there when General MacArthur promised he would return, they fought using guerilla tactics to tie down the Japanese, and they fought under General MacArthur when he came back and said, "I have returned."

Throughout the war, Filipino soldiers fought under the American flag, serving with valor, strength, and dignity. President Roosevelt guaranteed those brave soldiers that the United States would come to their aid in times of peace just as they had come to our aid during times of war. He guaranteed them equal veterans' benefits—a fair promise, considering their service, and considering the law of the land, as they were full members of the U.S. military.

But in 1946, in one of the most misguided legislative actions of the time, Congress took away the benefits that the President of the United States had promised them—benefits they had rightfully earned. Of the approximately 250,000 Filipino veterans who fought for us in America, only about 18,000 are still alive today. Many of them are searching for ways to pay for health care, and are struggling in ways they never should.

These veterans have more yesterdays than tomorrows. They are all well into their eighties. In terms of our budget, what this bill would cost over the course of 10 years, we are spending in Iraq every 18 hours.

So those who say it costs too much are the same voices who said that it would cost too much to do what Democrats did under the leadership of Senator AKAKA, when for the first time we fully funded the veterans independent budget. When we bring this bill to a vote, we will be answering a very simple but powerful question: Does our Nation keep its promises?

We need to right an injustice of the past and show our allies for future purposes as well; when we tell people join us in our fight against terrorism, join us in our fight against other challenges in the world that America honors its obligation to those who fight for the values and our principles that we collectively share. This is a critical time to send a message to friends of freedom across the world: we remember our allies and we pay our debts.

Our distinguished colleagues in the Senate who have served during World

War II have said, this is not simply a question of budget. This is a question of honor. These individuals of honor put their lives on the line for our Nation, and now the honor of our Nation is on the line. Let us show them just a fraction of the bravery they did, and vote to restore them what they were promised, what was the law and what they rightfully earned.

Now, like lawyers there are some who are picking on points here and there to build a case against these benefits, in my mind is a case made of sand. Let us vote to bring an honorable ending to this story and in however small a way, let us pledge now to give them dignity in the twilight of their life. I really urge my colleagues to support Senator AKAKA's bill as it is, and be able to keep our word in the world.

If I have any remaining time, I yield it back to Senator AKAKA.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I would like to yield 5 minutes to the Senator from Florida, Mr. NELSON.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, the underlying bill that the Senators from Hawaii and North Carolina have put together is a step in the right direction: increasing life insurance benefits, increasing disability benefits—particularly for traumatic brain injury—and doing that retroactively.

There is another portion in here that makes a lot of sense. If under current law a veteran who is deployed to a war zone can get out of his apartment rental contract, why should not he be able to get out of his cell phone lease contract? That provision is in here. That is in the underlying bill.

Let me tell you what is not in here—I am going to have to take this up on the Defense authorization bill—taking care of the widows and the orphans in the offset between survivor benefits plans and dependents' indemnity compensation—SVPDIC. The veterans' survivors, the widows and orphans, are entitled under both by law—but by law they offset each other. Thus widows and orphans are suffering. We will address that in the Defense authorization bill.

I want to expand on what the two Senators from Hawaii have said. There is one thing that America should never do, and that is break her word. When we have allies who are side by side with us in war, and they are depending on our word that we are going to take care of them, it is the obligation of America to do that.

I yield the floor.

Mrs. CLINTON. Mr. President, I rise today in support of providing benefits to Filipino veterans who served our Nation during World War II. S. 1315, the Veterans' Benefits Enhancement Act of 2007 introduced by Senator AKAKA, specifically includes a provision that would restore health and pension benefits to Filipino veterans who fought for

the United States during World War II. This provision is based on S.57, the Filipino Veterans Equity Act of 2007 originally introduced by Senator INOUE and which I am proud to cosponsor. I have supported rectifying this injustice since I entered the Senate in 2001.

Senator BURR's amendment would strip the provision benefitting Filipino veterans from S. 1315. I strongly oppose this amendment.

In 1942, President Roosevelt issued an order conscripting Filipino soldiers into the U.S. Armed Forces. More than 250,000 Filipino soldiers joined the U.S. Armed Forces in the months before and days following the attack on Pearl Harbor. These men served on the battlefield and fought courageously alongside American soldiers throughout World War II, took part in the guerilla resistance, and suffered in prisoner-of-war camps including the infamous Bataan Death March in which untold numbers of Americans and Filipinos soldiers suffered and died under brutal conditions.

The United States promised these Filipino veterans the same health and pension benefits as those of American servicemembers, but after World War II ended, Congress passed the Rescission Act of 1946, rescinding benefits that the Filipino soldiers were entitled to receive as U.S. veterans. Since then, these veterans have been fighting for these benefits which were unjustly revoked by the 1946 Rescission Act.

I reiterate the statements I made recently in honor of the 66th anniversary of the Bataan Death March that this is a matter of restoring the honor and dignity of these courageous veterans. I will continue to support and fight for the Filipino veterans equity bill.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, how much time do we in the majority have?

The PRESIDING OFFICER. Five minutes. The time of the Senator from North Carolina has expired.

Mr. AKAKA. Mr. President, I thank the Senator from Florida for his remarks.

Mr. President, on July 26, 1941, President Roosevelt issued an Executive Order ordering all military forces of the Commonwealth of the Philippines into service of the Armed Forces of the United States. This happened after a bit of history.

In 1898 the Philippines became a colony of the United States. It was on March 24, 1934, that the Tydings-McDuffie Act passed Congress. That provided for independence for the Philippines. It was mandated in that bill that there would be a 10-year period—that is to 1944—when the Philippines would formalize and shape and develop its entity. But what was mandated was that the United States would provide the control and supervision of the national defense of the Philippines, and also of its foreign affairs.

This was in that bill in 1934. The 10-year period ended in 1944. So the

United States was very much a part of the Philippines. In 1941, under the declaration and Executive Order of President Roosevelt, they served in the U.S. Armed Forces of the Far East. All of the military forces of the Commonwealth of the Philippines remained under the command of the U.S. Armed Forces of the Far East throughout World War II and until the Philippines was granted independence on July 4, 1946.

Our Nation has a long history of caring for aging veterans, particularly those who served the country during a time of war. Philippine veterans of the Second World War are now in their twilight years, and many are struggling to make ends meet, especially with global food prices on the rise. Now, perhaps more than ever, the modest pension benefits that are in S. 1315 are of the greatest value to veterans who earned them on the battlefield so many years ago.

I urge my colleagues to stand with me, with my World War II colleagues, Senators Inouye and Stevens, and a majority of the Veterans' Affairs Committee and not accept the amendment of the Senator from North Carolina.

AMENDMENT NO. 4576

Mr. AKAKA. Mr. President, under the agreement entered yesterday, I now call up the managers' technicals package and ask unanimous consent that the amendment be considered and agreed to and the motion to reconsider laid upon the table.

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

The amendment (No. 4576) was agreed to, as follows:

On page 12, beginning on line 8, strike "June 1, 2008" and insert "April 1, 2009".

On page 13, line 17, strike "January 1, 2008" and insert "January 1, 2009".

On page 14, line 9, strike "January 1, 2008" and insert "January 1, 2009".

On page 29, line 7, strike "October 1, 2007" and insert "October 1, 2008".

On page 29, line 12, strike "December 31, 2008" and insert "December 31, 2009".

On page 30, line 19, strike "December 31, 2008" and insert "December 31, 2009".

On page 35, line 22, add after the period the following: "The amendment made by the preceding sentence shall take effect on October 1, 2008, and shall expire on January 1, 2010."

On page 38, beginning on line 21, strike "the date of the enactment of this Act" and insert "April 1, 2009".

On page 41, line 16, strike "May 1, 2008" and insert "April 1, 2009".

On page 41, line 18, strike "May 1, 2008" and insert "April 1, 2009".

On page 41, line 24, strike "the date of the enactment of this Act" and insert "April 1, 2009".

On page 42, line 1, strike "the date of the enactment of this Act" and insert "that date".

On page 59, line 17, strike "October 1, 2007" and insert "October 1, 2008".

On page 62, line 22, strike "October 1, 2007" and insert "October 1, 2008".

On page 67, line 23, strike "October 1, 2007" and insert "October 1, 2008".

On page 71, beginning on line 9, strike "October 1, 2007, and ending on September 30, 2011" and insert "October 1, 2008, and ending on September 30, 2012".

On page 71, line 23, strike “March 31, 2011” and insert “March 31, 2012”.

On page 72, line 3, strike “September 30, 2011” and insert “September 30, 2012”.

On page 72, line 14, strike “fiscal years 2008 through 2011” and inserting “fiscal years 2009 through 2012”.

On page 73, line 4, strike “fiscal year 2011” and insert “fiscal year 2012”.

On page 75, beginning on line 22, strike “December 31, 2010” and insert “December 31, 2011”.

Mr. AKAKA. Mr. President, I yield back the remaining time and I ask for the vote.

Mr. BURR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4572.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted “yea.”

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

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—41

Alexander	Corker	Isakson
Allard	Cornyn	Kyl
Barrasso	Craig	Martinez
Bayh	Crapo	McConnell
Bennett	Dole	Roberts
Bond	Domenici	Sessions
Brownback	Ensign	Shelby
Bunning	Enzi	Smith
Burr	Graham	Snowe
Chambliss	Grassley	Sununu
Coburn	Gregg	Thune
Cochran	Hatch	Vitter
Coleman	Hutchison	Wicker
Collins	Inhofe	

NAYS—56

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Nelson (NE)
Biden	Johnson	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Specter
Casey	Levin	Stabenow
Clinton	Lieberman	Stevens
Conrad	Lincoln	Tester
Dodd	Lugar	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Hagel	Murray	

NOT VOTING—3

DeMint	McCain	Obama
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The amendment (No. 4572) was rejected.

Mrs. FEINSTEIN. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I would like to offer my support for S. 1315, the Veterans' Benefits Enhancement Act of 2007. This is a tremendously important piece of legislation, and I commend Senator AKAKA and the Veterans' Affairs Committee for their work.

This bill says to the men and women who have served and suffered horrible injuries and paid the price of war, “We have not forgotten you. You and your families deserve the respect and care of a grateful Nation, and we will do all that we can to see to it that you live lives of dignity.” Among other things, this legislation enhances life insurance benefits to disabled servicemembers, improves benefits for veterans who need to renovate their homes to accommodate their injuries, and increases education benefits so our veterans will have an easier time going back to school and getting good jobs when they finish military service.

But just as important as taking care of our newest generation of veterans, this bill also takes care of some of the oldest veterans who were a part of the “greatest generation.”

In 1941, President Roosevelt issued an order that directed the Commonwealth Army of the Philippines to fight alongside our Armed Forces, as he was authorized to do under the Philippine Independence Act of 1934. Some 250,000 Filipinos would swear allegiance to the United States of America in the months before and the days after Pearl Harbor.

Under our flag, they went on to fight and die on the same battlefields as U.S. troops. They gathered intelligence, organized a guerilla resistance against the Japanese invasion of their island home, and assisted in rescue operations of American prisoners of war.

When the fighting stopped, the members of the Filipino Army were to have been eligible for full veterans' benefits, just like American veterans. In October of 1945 GEN Omar Bradley, who at the time was the head of the Veterans' Administration, affirmed that the Filipino soldiers would be treated no differently and were to receive all the benefits that they rightly deserved.

Unfortunately, the Rescission Act of 1946 changed all that. It stated that the Filipinos who fought alongside Americans had not performed “active service” and that they had no standing or claim to any “rights, privileges, or benefits.”

Mr. President, there are now only about 18,000 of these heroic Filipinos left. About 13,000 of them are still in the Philippines, where they have waited over 60 years for the United States Government to provide the benefits they were promised and are owed for serving our Nation and defending the cause of freedom. That is what this legislation does. It also extends the benefits available to all U.S. servicemembers to the 5,000 Filipino veterans living here in the United States.

Unfortunately, for the past 9 months, the other side of the aisle has balked at

allowing this legislation to come up for a vote. I am certainly thankful that they have no problem with extending full benefits to Filipino veterans living here. But sadly they feel that \$300 a month for a single person and \$375 for a married person is too high a pension for someone who lives in the Philippines but fought for the United States 60 years ago and hasn't received a penny since. Instead they are insisting on no pension at all for these veterans.

However, I am glad that we have now moved to the bill, and we can debate the merits of this vital legislation that will address the needs of those who have paid the price of war.

Senator INOUE, who has so faithfully lead this effort for the past 16 years and knows what it means to have fought under our flag in World War II, recently stated, “What happened 61 years ago was not right; it was shameful and disgraceful. . . . The legislation is about fairness and dignity—core American values. It is also about correcting an injustice that has stood for way too long.”

I could not agree more, and I urge my colleagues to support this bill and bring these well-deserved and urgently needed benefits to those veterans—both young and old—who have fought on our behalf.

The PRESIDING OFFICER. Under the previous order, the amendment in the nature of a substitute, as amended, is agreed to.

The clerk will read the bill for the third and final time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. AKAKA. Mr. President, I ask for the yeas and nays on final passage and urge my colleagues to support the pending measure.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—96

Akaka	Biden	Burr
Alexander	Bingaman	Byrd
Allard	Bond	Cantwell
Barrasso	Boxer	Cardin
Baucus	Brown	Carper
Bayh	Brownback	Casey
Bennett	Bunning	Chambliss

Clinton	Hutchison	Nelson (NE)
Coburn	Inhofe	Pryor
Cochran	Inouye	Reed
Coleman	Isakson	Reid
Collins	Johnson	Roberts
Conrad	Kennedy	Rockefeller
Corker	Kerry	Salazar
Cornyn	Klobuchar	Sanders
Craig	Kohl	Schumer
Crapo	Kyl	Sessions
Dodd	Landrieu	Shelby
Dole	Lautenberg	Smith
Domenici	Leahy	Snowe
Dorgan	Levin	Specter
Durbin	Lieberman	Stabenow
Ensign	Lincoln	Stevens
Enzi	Lugar	Sununu
Feingold	Martinez	Tester
Feinstein	McCaskill	Thune
Graham	McConnell	Voinovich
Grassley	Menendez	Warner
Gregg	Mikulski	Webb
Hagel	Murkowski	Whitehouse
Harkin	Murray	Wicker
Hatch	Nelson (FL)	Wyden

NAYS—1

Vitter

NOT VOTING—3

DeMint McCain Obama

The bill (S. 1315), as amended, was passed, as follows:

S. 1315

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans’ Benefits Enhancement Act of 2007”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 38, United States Code.

TITLE I—INSURANCE MATTERS

Sec. 101. Level-premium term life insurance for veterans with service-connected disabilities.
Sec. 102. Administrative costs of service disabled veterans’ insurance.
Sec. 103. Modification of servicemembers’ group life insurance coverage.
Sec. 104. Supplemental insurance for totally disabled veterans.
Sec. 105. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers’ Group Life Insurance.
Sec. 106. Consideration of loss dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers’ Group Life Insurance.
Sec. 107. Designation of fiduciary for traumatic injury protection coverage under Servicemembers’ Group Life Insurance in case of lost mental capacity or extended loss of consciousness.
Sec. 108. Enhancement of veterans’ mortgage life insurance.

TITLE II—HOUSING MATTERS

Sec. 201. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 202. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.

Sec. 203. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 204. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 205. Supplemental specially adapted housing benefits for disabled veterans.
Sec. 206. Report on specially adapted housing for disabled individuals.
Sec. 207. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.

TITLE III—LABOR AND EDUCATION MATTERS

Sec. 301. Coordination of approval activities in the administration of education benefits.
Sec. 302. Modification of rate of reimbursement of State and local agencies administering veterans education benefits.
Sec. 303. Waiver of residency requirement for Directors for Veterans’ Employment and Training.
Sec. 304. Modification of special unemployment study to cover veterans of Post 9/11 Global Operations.
Sec. 305. Extension of increase in benefit for individuals pursuing apprenticeship or on-job training.

TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS

Sec. 401. Expansion of eligibility for benefits provided by Department of Veterans Affairs for certain service in the organized military forces of the Commonwealth of the Philippines and the Philippine Scouts.
Sec. 402. Eligibility of children of certain Philippine veterans for educational assistance.

TITLE V—COURT MATTERS

Sec. 501. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
Sec. 502. Additional discretion in imposition of practice and registration fees.
Sec. 503. Annual reports on workload of United States Court of Appeals for Veterans Claims.
Sec. 504. Report on expansion of facilities for United States Court of Appeals for Veterans Claims.

TITLE VI—COMPENSATION AND PENSION MATTERS

Sec. 601. Addition of osteoporosis to disabilities presumed to be service-connected in former prisoners of war with post-traumatic stress disorder.
Sec. 602. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.
Sec. 603. Clarification of eligibility of veterans 65 years of age or older for service pension for a period of war.

TITLE VII—BURIAL AND MEMORIAL MATTERS

Sec. 701. Supplemental benefits for veterans for funeral and burial expenses.
Sec. 702. Supplemental plot allowances.

TITLE VIII—OTHER MATTERS

Sec. 801. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

Sec. 802. Supplemental assistance for providing automobiles or other conveyances to certain disabled veterans.
Sec. 803. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.
Sec. 804. Termination or suspension of contracts for cellular telephone service for servicemembers undergoing deployment outside the United States.
Sec. 805. Maintenance, management, and availability for research of assets of Air Force Health Study.
Sec. 806. National Academies study on risk of developing multiple sclerosis as a result of certain service in the Persian Gulf War and Post 9/11 Global Operations theaters.
Sec. 807. Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—INSURANCE MATTERS**SEC. 101. LEVEL-PREMIUM TERM LIFE INSURANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.**

(a) **IN GENERAL.**—Chapter 19 is amended by inserting after section 1922A the following new section:

“§ 1922B. Level-premium term life insurance for veterans with service-connected disabilities

“(a) **IN GENERAL.**—In accordance with the provisions of this section, the Secretary shall grant insurance to each eligible veteran who seeks such insurance against the death of such veteran occurring while such insurance is in force.

“(b) **ELIGIBLE VETERANS.**—For purposes of this section, an eligible veteran is any veteran less than 65 years of age who has a service-connected disability.

“(c) **AMOUNT OF INSURANCE.**—(1) Subject to paragraph (2), the amount of insurance granted an eligible veteran under this section shall be \$50,000 or such lesser amount as the veteran shall elect. The amount of insurance so elected shall be evenly divisible by \$10,000.

“(2) The aggregate amount of insurance of an eligible veteran under this section, section 1922 of this title, and section 1922A of this title may not exceed \$50,000.

“(d) **REDUCED AMOUNT FOR VETERANS AGE 70 OR OLDER.**—In the case of a veteran insured under this section who turns age 70, the amount of insurance of such veteran under this section after the date such veteran turns age 70 shall be the amount equal to 20 percent of the amount of insurance of the veteran under this section as of the day before such date.

“(e) **PREMIUMS.**—(1) Premium rates for insurance under this section shall be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 4.5 per centum per annum.

“(2) The amount of the premium charged a veteran for insurance under this section may not increase while such insurance is in force for such veteran.

“(3) The Secretary may not charge a premium for insurance under this section for a veteran as follows:

“(A) A veteran who has a service-connected disability rated as total and is eligible for a waiver of premiums under section 1912 of this title.

“(B) A veteran who is 70 years of age or older.

“(4) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized.

“(5) Administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund.

“(f) APPLICATION REQUIRED.—An eligible veteran seeking insurance under this section shall file with the Secretary an application therefor. Such application shall be filed not later than the earlier of—

“(1) the end of the two-year period beginning on the date on which the Secretary notifies the veteran that the veteran has a service-connected disability; and

“(2) the end of the 10-year period beginning on the date of the separation of the veteran from the Armed Forces, whichever is earlier.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 is amended by inserting after the item related to section 1922A the following new item:

“1922B. Level-premium term life insurance for veterans with service-connected disabilities.”

(c) EXCHANGE OF SERVICE DISABLED VETERANS' INSURANCE.—During the one-year period beginning on the effective date of this section under subsection (d), any veteran insured under section 1922 of title 38, United States Code, who is eligible for insurance under section 1922B of such title (as added by subsection (a)), may exchange insurance coverage under such section 1922 for insurance coverage under such section 1922B.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on April 1, 2009.

SEC. 102. ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE.

Section 1922(a) is amended by striking “directly from such fund” and inserting “directly from such fund; and (5) administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund”.

SEC. 103. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Paragraph (1)(C) of section 1967(a) is amended by striking “section 1965(5)(B) of this title” and inserting “subparagraph (B) or (C) of section 1965(5) of this title”.

(2) CONFORMING AMENDMENT.—Paragraph (5)(C) of such section 1967(a) is amended by striking “section 1965(5)(B) of this title” and inserting “subparagraph (B) or (C) of section 1965(5) of this title”.

(b) REDUCTION IN PERIOD OF COVERAGE FOR DEPENDENTS AFTER MEMBER SEPARATES.—

Section 1968(a)(5)(B)(ii) is amended by striking “120 days after”.

SEC. 104. SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Section 1922A(a) is amended by striking “\$20,000” and inserting “\$30,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2009.

SEC. 105. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109-233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking “, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SEC. 106. CONSIDERATION OF LOSS DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Section 1980A(d) is amended—

(1) by striking “Payments under” and inserting “(1) Payments under”; and

(2) by adding at the end the following new paragraph:

“(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and a qualifying loss of a non-dominant hand.”

(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act by reason of the requirements of paragraph (2) of subsection (d) of such section (as amended by subsection (a)(2) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term “qualifying loss” means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

SEC. 107. DESIGNATION OF FIDUCIARY FOR TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE IN CASE OF LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is mentally incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

SEC. 108. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

Section 2106(b) is amended by striking “\$90,000” and inserting “\$150,000, or \$200,000 after January 1, 2012.”

TITLE II—HOUSING MATTERS

SEC. 201. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 is amended by adding at the end the following new subsection:

“(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

“(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.”

SEC. 202. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 is amended by inserting after section 2101 the following new section:

“§ 2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

“(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

“(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

“(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise

eligible for such benefits and assistance who resides outside the United States.

“(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

“(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

“(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

“(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.”.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 is amended—

(A) in subsection (a)—

(i) by striking “veteran” each place it appears and inserting “individual”; and

(ii) in paragraph (3), by striking “veteran’s” and inserting “individual’s”;

(B) in subsection (b)(1), by striking “a veteran” and inserting “an individual”;

(C) in subsection (c)—

(i) by striking “a veteran” and inserting “an individual”; and

(ii) by striking “the veteran” each place it appears and inserting “the individual”; and

(D) in subsection (d), by striking “a veteran” each place it appears and inserting “an individual”.

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A is amended—

(A) by striking “veteran” each place it appears (other than in subsection (b)) and inserting “individual”;

(B) in subsection (a), by striking “veteran’s” each place it appears and inserting “individual’s”; and

(C) in subsection (b), by striking “a veteran” each place it appears and inserting “an individual”.

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 is amended by striking “veterans” both places it appears and inserting “individuals”.

(5) CONSTRUCTION OF BENEFITS.—Section 2104 is amended—

(A) in subsection (a), by striking “veteran” each place it appears and inserting “individual”; and

(B) in subsection (b)—

(i) in the first sentence, by striking “A veteran” and inserting “An individual”;

(ii) in the second sentence, by striking “a veteran” and inserting “an individual”; and

(iii) by striking “such veteran” each place it appears and inserting “such individual”.

(6) VETERANS’ MORTGAGE LIFE INSURANCE.—Section 2106 is amended—

(A) in subsection (a)—

(i) by striking “any eligible veteran” and inserting “any eligible individual”; and

(ii) by striking “the veterans” and inserting “the individual’s”;

(B) in subsection (b), by striking “an eligible veteran” and inserting “an eligible individual”;

(C) in subsection (e), by striking “an eligible veteran” and inserting “an individual”;

(D) in subsection (h), by striking “each veteran” and inserting “each individual”;

(E) in subsection (i), by striking “the veteran’s” each place it appears and inserting “the individual’s”;

(F) by striking “the veteran” each place it appears and inserting “the individual”; and

(G) by striking “a veteran” each place it appears and inserting “an individual”.

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 is amended to read as follows:

“§ 2101. Acquisition and adaptation of housing: eligible veterans”.

(B) The heading of section 2102A is amended to read as follows:

“§ 2102A. Assistance for individuals residing temporarily in housing owned by a family member”.

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

“2101. Acquisition and adaptation of housing: eligible veterans.”;

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

“2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.”;

and

(C) by striking the item relating to section 2102A and inserting the following new item:

“2102A. Assistance for individuals residing temporarily in housing owned by a family member.”.

SEC. 203. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

“(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).”; and

(2) in subsection (b)(2)—

(A) by striking “either” and inserting “any”; and

(B) by adding at the end the following new subparagraph:

“(C) The disability is due to a severe burn injury (as so determined).”.

SEC. 204. ESTIMATION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) is amended by striking “after the end of the five-year period that begins on the date of the enactment of the Veterans’ Housing Opportunity and Benefits Improvement Act of 2006” and inserting “after December 31, 2011”.

SEC. 205. SUPPLEMENTAL SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Chapter 21 is amended by inserting after section 2102A the following new section:

“§ 2102B. Supplemental assistance

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment in accordance with section 2102 of this title to an individual authorized to receive such assistance under section 2101 of this title for the acquisition of housing with special features or for special adaptations to a residence, the Secretary is also authorized and directed to pay such individual supplemental assistance under this section for such acquisition or adaptation.

“(2) No supplemental assistance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT OF SUPPLEMENTAL ASSISTANCE.—(1) In the case of a payment made in accordance with section 2102(a) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

“(A) the payment which would be determined under section 2102(a) of this title, and 2102A of this title if applicable, if the amount described in section 2102(d)(1) of this title were increased to the adjusted amount described in subsection (c)(1), over

“(B) the payment determined without regard to this section.

“(2) In the case of a payment made in accordance with section 2102(b) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

“(A) the payment which would be determined under section 2102(b) of this title, and 2102A of this title if applicable, if the amount described in section 2102(b)(2) of this title and section 2102(d)(2) of this title were increased to the adjusted amount described in subsection (c)(2), over

“(B) the payment determined without regard to this section.

“(c) ADJUSTED AMOUNT.—(1) In the case of a payment made in accordance with section 2102(a) of this title, the adjusted amount is \$60,000 (as adjusted from time to time under subsection (d)).

“(2) In the case of a payment made in accordance with section 2102(b) of this title, the adjusted amount is \$12,000 (as adjusted from time to time under subsection (d)).

“(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amounts described in subsection (c) in accordance with this subsection.

“(2) The increase in amounts under paragraph (1) to take effect on October 1 of any year shall be the percentage by which (A) the residential home cost-of-construction index for the preceding calendar year exceeds (B) the residential home cost-of-construction index for the year preceding that year.

“(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average increase in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.

“(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental assistance under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental assistance under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2102A the following new item:

“2102B. Supplemental assistance.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2102B of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 206. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 202(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 207. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 202(a) of this Act), who reside with family members on a permanent basis.

TITLE III—LABOR AND EDUCATION MATTERS

SEC. 301. COORDINATION OF APPROVAL ACTIVITIES IN THE ADMINISTRATION OF EDUCATION BENEFITS.

(a) COORDINATION.—

(1) IN GENERAL.—Section 3673 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to

ensure the coordination of approval activities performed by State approving agencies under this chapter and chapters 34 and 35 of this title and approval activities performed by the Department of Labor, the Department of Education, and other entities in order to reduce overlap and improve efficiency in the performance of such activities.”.

(2) CONFORMING AND CLERICAL AMENDMENTS.—(A) The heading of such section is amended to read as follows:

“§ 3673. Approval activities: cooperation and coordination of activities”.

(B) The table of sections at the beginning of chapter 36 is amended by striking the item relating to section 3673 and inserting the following new item:

“3673. Approval activities: cooperation and coordination of activities.”.

(3) STYLISTIC AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting “COOPERATION IN ACTIVITIES.—” after “(a)”; and

(B) in subsection (c), as redesignated by paragraph (1)(A) of this subsection, by inserting “AVAILABILITY OF INFORMATION MATERIAL.—” after “(c)”.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report setting forth the following:

(1) The actions taken to establish outcome-oriented performance standards for State approving agencies created or designated under section 3671 of title 38, United States Code, including a description of any plans for, and the status of the implementation of, such standards as part of the evaluations of State approving agencies required by section 3674A of title 38, United States Code.

(2) The actions taken to implement a tracking and reporting system for resources expended for approval and outreach activities by such agencies.

(3) Any recommendations for legislative action that the Secretary considers appropriate to achieve the complete implementation of the standards described in paragraph (1).

SEC. 302. MODIFICATION OF RATE OF REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) is amended by striking “\$13,000,000” and all that follows through “fiscal year 2007.”.

SEC. 303. WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS FOR VETERANS’ EMPLOYMENT AND TRAINING.

Section 4103(a)(2) is amended—

(1) by inserting “(A)” after “(2)”; and

(2) by adding at the end the following new subparagraph:

“(B) The Secretary may waive the requirement in subparagraph (A) with respect to a Director for Veterans’ Employment and Training if the Secretary determines that the waiver is in the public interest. Any such waiver shall be made on a case-by-case basis.”.

SEC. 304. MODIFICATION OF SPECIAL UNEMPLOYMENT STUDY TO COVER VETERANS OF POST 9/11 GLOBAL OPERATIONS.

(a) MODIFICATION OF STUDY.—Subsection (a)(1) of section 4110A is amended—

(1) in the matter before subparagraph (A), by striking “a study every two years” and inserting “an annual study”;

(2) by redesignating subparagraph (A) as subparagraph (F);

(3) by striking subparagraph (B) and inserting the following new subparagraphs:

“(A) Veterans who were called to active duty while members of the National Guard or a Reserve Component.

“(B) Veterans who served in combat or in a war zone in the Post 9/11 Global Operations theaters.”; and

(4) in subparagraph (C)—

(A) by striking “Vietnam era” and inserting “Post 9/11 Global Operations period”; and

(B) by striking “the Vietnam theater of operations” and inserting “the Post 9/11 Global Operations theaters”.

(b) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

“(c) In this section:

“(1) The term ‘Post 9/11 Global Operations period’ means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or law.

“(2) The term ‘Post 9/11 Global Operations theaters’ means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.”.

SEC. 305. EXTENSION OF INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING.

Section 103 of the Veterans Benefits Improvement Act of 2004 (Public Law 108-454; 118 Stat. 3600) is amended by striking “2008” each place it appears and inserting “2010”. The amendment made by the preceding sentence shall take effect on October 1, 2008, and shall expire on January 1, 2010.

TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS

SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS.

(a) MODIFICATION OF STATUS OF CERTAIN SERVICE.—

(1) IN GENERAL.—Section 107 is amended to read as follows:

“§ 107. Certain service with Philippine forces deemed to be active service

“(a) IN GENERAL.—Service described in subsection (b) shall be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any individual by reason of the service of such individual or the service of any other individual in the Armed Forces.

“(b) SERVICE DESCRIBED.—Service described in this subsection is service—

“(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

“(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

“(c) DEPENDENCY AND INDEMNITY COMPENSATION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Dependency and indemnity compensation provided under chapter 13 of this title to an individual described in paragraph (2) shall be made at a rate of \$0.50 for each dollar authorized.

“(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to dependency and indemnity compensation under chapter 13 of this title based on service described in subsection (b).

“(d) MODIFIED PENSION AND DEATH PENSION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Any pension provided under subchapter II or III of chapter 15 of this title to an individual described in paragraph (2) shall be made only as specified in section 1514 of this title.

“(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to a pension provided under subchapter II or III of chapter 15 of this title based on service described in subsection (b).

“(e) UNITED STATES DEFINED.—In this section, the term ‘United States’ means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 is amended by striking the item related to section 107 and inserting the following new item:

“107. Certain service with Philippine forces deemed to be active service.”.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to the payment or provision of benefits on or after April 1, 2009. No benefits are payable or are required to be provided by reason of such amendment for any period before such date.

(b) PENSION AND DEATH PENSION FOR CERTAIN SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 15 is amended by adding at the end the following new section:

“§ 1514. Certain recipients residing outside the United States

“(a) SPECIAL RATES FOR PENSION BENEFITS FOR INDIVIDUALS SERVING WITH PHILIPPINE FORCES AND SURVIVORS.—(1) Payment under this subchapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made as follows:

“(A) For such an individual who is married, at a rate of \$4,500 per year (as increased from time to time under section 5312 of this title).

“(B) For such an individual who is not married, at a rate of \$3,600 per year (as increased from time to time under section 5312 of this title).

“(2) Payment under subchapter III of this chapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made at a rate of \$2,400 per year (as increased from time to time under section 5312 of this title).

“(3) An individual who is otherwise entitled to benefits under this chapter and resides outside the United States, and receives or would otherwise be eligible to receive a monetary benefit from a foreign government, may not receive benefits under this chapter for service described in section 107(b) of this title if receipt of such benefits under this chapter would reduce such monetary benefit from such foreign government.

“(4) The provisions of sections 1503(a), 1506, 1522, and 1543 of this title shall not apply to benefits paid under this section.

“(b) INDIVIDUALS LIVING OUTSIDE THE UNITED STATES ENTITLED TO CERTAIN SOCIAL SECURITY BENEFITS INELIGIBLE.—An individual residing outside the United States who is receiving or is eligible to receive benefits under title VIII of the Social Security Act (42 U.S.C. 1001 et seq.) may not receive benefits under this chapter.

“(c) UNITED STATES DEFINED.—In this section, the term ‘United States’ means the

States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 15 is amended by inserting after the item related to section 1513 the following new item:

“1514. Certain recipients residing outside the United States.”.

(3) FREQUENCY OF PAYMENT.—Section 1508 is amended by inserting “1514,” before “1521,” each place it appears.

(4) ROUNDING DOWN OF RATES.—Section 5123 is amended by inserting “1514,” before “1521”.

(5) ANNUAL ADJUSTMENT OF BENEFIT RATES.—Section 5312 is amended—

(A) in subsection (a), by inserting “1514,” before “1521,” the first place it appears; and

(B) in subsection (c)(1), by inserting “1514,” before “1521.”

(6) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to applications for benefits filed on or after April 1, 2009. The amendments made by paragraphs (3), (4), and (5) shall take effect on April 1, 2009.

(c) PENSION AND DEATH PENSION BENEFIT PROTECTION.—Notwithstanding any other provision of law, a veteran with service described in section 107(b) of title 38, United States Code (as added by subsection (a)), who is receiving benefits under a Federal or federally assisted program as of April 1, 2009, or a survivor of such veteran who is receiving such benefits as of that date, may not be required to apply for or receive benefits under chapter 15 of such title if the receipt of such benefits would—

(1) make such veteran or survivor ineligible for any Federal or federally assisted program for which such veteran or survivor qualifies; or

(2) reduce the amount of benefit such veteran or survivor would receive from any Federal or federally assisted program for which such veteran or survivor qualifies.

SEC. 402. ELIGIBILITY OF CHILDREN OF CERTAIN PHILIPPINE VETERANS FOR EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (b) of section 3565 is amended by striking “except that—” and all that follows and inserting “except that a reference to a State approving agency shall be deemed to refer to the Secretary.”.

(b) REPEAL OF OBSOLETE PROVISION.—Such section is further amended by striking subsection (c).

TITLE V—COURT MATTERS

SEC. 501. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking “or for more than a total of 180 days (or the equivalent) during any calendar year”.

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

“(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans’ Benefits Enhancement Act of 2007 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

“(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall

(subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).

“(ii) In the case of a judge other than a recall-eligible retired judge, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

“(B) A judge who retired before the date of the enactment of the Veterans’ Benefits Enhancement Act of 2007 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection, shall (except as provided in paragraph (2)) receive retired pay as follows:

“(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

“(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

“(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.”.

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—Section 7296(f)(3)(A) is amended by striking “paragraph (2) of subsection (c)” and inserting “paragraph (1)(A)(i) or (2) of subsection (c)”.

(3) PAY DURING PERIOD OF RECALL.—Subsection (d) of section 7257 is amended to read as follows:

“(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

“(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge’s annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge’s annuity under section 7296(c)(1)(A) of this title, whichever is applicable.”.

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: “Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.”.

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: “This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.”.

SEC. 502. ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES.

Section 7285(a) is amended—

(1) in the first sentence, by inserting “reasonable” after “impose a”;

(2) in the second sentence, by striking “, except that such amount may not exceed \$30 per year”;

(3) in the third sentence, by inserting “reasonable” after “impose a”.

SEC. 503. ANNUAL REPORTS ON WORKLOAD OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

“§ 7288. Annual report

“(a) IN GENERAL.—The chief judge of the Court shall submit annually to the appropriate committees of Congress a report summarizing the workload of the Court for the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

- “(1) The number of appeals filed.
- “(2) The number of petitions filed.
- “(3) The number of applications filed under section 2412 of title 28.
- “(4) The number and type of dispositions.
- “(5) The median time from filing to disposition.
- “(6) The number of oral arguments.
- “(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).
- “(8) A summary of any service performed by recalled retired judges during the fiscal year.

“(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

“7288. Annual report.”

SEC. 504. REPORT ON EXPANSION OF FACILITIES FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Court of Appeals for Veterans Claims is currently located in the District of Columbia in a commercial office building that is also occupied by other Federal tenants.

(2) In February 2006, the General Services Administration provided Congress with a preliminary feasibility analysis of a dedicated Veterans Courthouse and Justice Center that would house the Court and other entities that work with the Court.

(3) In February 2007, the Court notified Congress that the “most cost-effective alternative appears to be leasing substantial additional space in the current location”, which would “require relocating other current government tenants” from that building.

(4) The February 2006 feasibility report of the General Services Administration does not include an analysis of whether it would be feasible or desirable to locate a Veterans Courthouse and Justice Center at the current location of the Court.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Court of Appeals for Veterans Claims should be provided with appropriate office space to meet its needs, as well as to provide the image, security, and stature befitting a court that provides justice to the veterans of the United States; and

(2) in providing that space, Congress should avoid undue disruption, inconvenience, or cost to other Federal entities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the feasibility of—

(A) leasing additional space for the United States Court of Appeals for Veterans Claims within the building where the Court was located on the date of the enactment of this Act; and

(B) using the entirety of such building as a Veterans Courthouse and Justice Center.

(2) CONTENTS.—The report required by paragraph (1) shall include a detailed analysis of the following:

(A) The impact that the matter analyzed in accordance with paragraph (1) would have on Federal tenants of the building used by the Court.

(B) Whether it would be feasible to relocate such Federal tenants into office space that offers similar or preferable cost, convenience, and usable square footage.

(C) If relocation of such Federal tenants is found to be feasible and desirable, an analysis of what steps should be taken to convert the building into a Veterans Courthouse and Justice Center and a timeline for such conversion.

(3) COMMENT PERIOD.—The Administrator shall provide an opportunity to such Federal tenants—

(A) before the completion of the report required by paragraph (1), to comment on the subject of the report required by such paragraph; and

(B) before the Administrator submits the report required by paragraph (1) to the congressional committees specified in such paragraph, to comment on a draft of such report.

TITLE VI—COMPENSATION AND PENSION MATTERS

SEC. 601. ADDITION OF OSTEOPOROSIS TO DISABILITIES PRESUMED TO BE SERVICE-CONNECTED IN FORMER PRISONERS OF WAR WITH POST-TRAUMATIC STRESS DISORDER.

Section 1112(b)(2) is amended by adding at the end the following new subparagraph:

“(F) Osteoporosis, if the Secretary determines that the veteran was diagnosed with post-traumatic stress disorder (PTSD).”

SEC. 602. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended by adding at the end the following new paragraph:

“(5) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.”

SEC. 603. CLARIFICATION OF ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.

Section 1513 is amended—

(1) in subsection (a), by striking “by section 1521” and all that follows and inserting “by subsection (b), (c), (f)(1), (f)(5), or (g) of that section, as the case may be and as increased from time to time under section 5312 of this title.”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

“(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to

determinations of income and maximum payments of pension for purposes of this section.”

TITLE VII—BURIAL AND MEMORIAL MATTERS

SEC. 701. SUPPLEMENTAL BENEFITS FOR VETERANS FOR FUNERAL AND BURIAL EXPENSES.

(a) FUNERAL EXPENSES.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2302 the following new section:

“§ 2302A. Funeral expenses: supplemental benefits

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2302(a) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

“(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$900 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2302(a) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2302 the following new item:

“2302A. Funeral expenses: supplemental benefits.”.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) DEATH FROM SERVICE-CONNECTED DISABILITY.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2307 the following new section:

“§ 2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2307(1) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

“(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$2,100 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2307(1) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2307 the following new item:

“2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses.”.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2307A of title 38, United States Code (as added by this subsection).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to deaths occurring on or after that date.

SEC. 702. SUPPLEMENTAL PLOT ALLOWANCES.

(a) IN GENERAL.—Chapter 23 is amended by inserting after section 2303 the following new section:

“§ 2303A. Supplemental plot allowance

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2303(a)(1)(A) of this title, or for the burial of a veteran under paragraph (1) or (2) of section 2303(b) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial, as applicable.

“(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$445 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2303(a)(1)(A) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental plot allowance payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental plot allowance payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appro-

priate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2303 the following new item:

“2303A. Supplemental plot allowance.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to deaths occurring on or after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2303A of title 38, United States Code (as added by subsection (a)).

TITLE VIII—OTHER MATTERS

SEC. 801. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “or (iii) below” and inserting “(iii), or (iv)”; and

(B) by adding at the end the following new clause:

“(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).”; and

(2) in subparagraph (B), by striking “or (iii)” and inserting “(iii), or (iv)”.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter:”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “means—” and inserting “means the following:”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “any veteran” and inserting “Any veteran”;

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking “or” and inserting a period; and

(C) in subparagraph (B), by striking “any member” and inserting “Any member”.

SEC. 802. SUPPLEMENTAL ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Chapter 39 is amended by inserting after section 3902 the following new section:

“§3902A. Supplemental assistance for providing automobiles or other conveyances

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the purchase of an automobile or other conveyance for an eligible person under section 3902 of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such purchase.

“(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT OF SUPPLEMENTAL PAYMENT.—Supplemental payment required by subsection (a) is equal to the excess of—

“(1) the payment which would be determined under section 3902 of this title if the amount described in section 3902 of this title were increased to the adjusted amount described in subsection (c), over

“(2) the payment determined under section 3902 of this title without regard to this section.

“(c) ADJUSTED AMOUNT.—The adjusted amount is \$22,484 (as adjusted from time to time under subsection (d)).

“(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amount described in subsection (c) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

“(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.

“(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental payment under this section for every eligible person for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide every eligible person with supplemental payment under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 3902 the following new item:

“3902A. Supplemental assistance for providing automobiles or other conveyances.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 3902A of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

SEC. 803. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 is amended by inserting “, or from the National Guard or Reserve,” after “active military, naval, or air service”.

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

“(1) the term ‘outreach’ means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;”.

SEC. 804. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR SERVICEMEMBERS UNDERGOING DEPLOYMENT OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

“SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE.

“(a) IN GENERAL.—A servicemember who receives orders to deploy outside of the continental United States for not less than 90 days may request the termination or suspension of any contract for cellular telephone service entered into by the servicemember before that date if the servicemember’s ability to satisfy the contract or to utilize the service will be materially affected by that period of deployment. The request shall include a copy of the servicemember’s military orders.

“(b) RELIEF.—Upon receiving the request of a servicemember under subsection (a), the cellular telephone service contractor concerned shall, at the election of the contractor—

“(1) grant the requested relief without imposition of an early termination fee for termination of the contract or a reactivation fee for suspension of the contract; or

“(2) permit the servicemember to suspend the contract at no charge until the end of the deployment without requiring, whether as a condition of suspension or otherwise, that the contract be extended.”.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

“Sec. 305A. Termination or suspension of contracts for cellular telephone service.”.

SEC. 805. MAINTENANCE, MANAGEMENT, AND AVAILABILITY FOR RESEARCH OF ASSETS OF AIR FORCE HEALTH STUDY.

(a) PURPOSE.—The purpose of this section is to ensure that the assets transferred to

the Medical Follow-Up Agency from the Air Force Health Study are maintained, managed, and made available as a resource for future research for the benefit of veterans and their families, and for other humanitarian purposes.

(b) ASSETS FROM AIR FORCE HEALTH STUDY.—For purposes of this section, the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are the assets of the Air Force Health Study transferred to the Medical Follow-Up Agency under section 714 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2290), including electronic data files and biological specimens on all participants in the study (including control subjects).

(c) MAINTENANCE AND MANAGEMENT OF TRANSFERRED ASSETS.—The Medical Follow-Up Agency shall maintain and manage the assets transferred to the Agency from the Air Force Health Study.

(d) ADDITIONAL NEAR-TERM RESEARCH.—

(1) IN GENERAL.—The Medical Follow-Up Agency may, during the period beginning on October 1, 2008, and ending on September 30, 2012, conduct such additional research on the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate toward the goal of understanding the determinants of health, and promoting wellness, in veterans.

(2) RESEARCH.—In carrying out research authorized by this subsection, the Medical Follow-Up Agency may, utilizing amounts available under subsection (f)(1)(B), make grants for such pilot studies for or in connection with such research as the Agency considers appropriate.

(e) ADDITIONAL MEDIUM-TERM RESEARCH.—

(1) REPORT.—Not later than March 31, 2012, the Medical Follow-Up Agency shall submit to Congress a report assessing the feasibility and advisability of conducting additional research on the assets transferred to the Agency from the Air Force Health Study after September 30, 2012.

(2) DISPOSITION OF ASSETS.—If the report required by paragraph (1) includes an assessment that the research described in that paragraph would be feasible and advisable, the Agency shall, utilizing amounts available under subsection (f)(2), make any disposition of the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate in preparation for such research.

(f) FUNDING.—

(1) IN GENERAL.—From amounts available for each of fiscal years 2009 through 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, amounts shall be available as follows:

(A) \$1,200,000 shall be available in each such fiscal year for maintenance, management, and operation (including maintenance of biological specimens) of the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study.

(B) \$250,000 shall be available in each such fiscal year for the conduct of additional research authorized by subsection (d), including the funding of pilot studies authorized by paragraph (2) of that subsection.

(2) MEDIUM-TERM RESEARCH.—From amounts available for fiscal year 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, \$200,000 shall be available for the preparation of the report required by subsection (e)(1) and for the disposition, if any, of assets authorized by subsection (e)(2).

SEC. 806. NATIONAL ACADEMIES STUDY ON RISK OF DEVELOPING MULTIPLE SCLEROSIS AS A RESULT OF CERTAIN SERVICE IN THE PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct a comprehensive epidemiological study for purposes of identifying any increased risk of developing multiple sclerosis as a result of service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations or in the Post 9/11 Global Operations theaters.

(b) ELEMENTS.—In conducting the study required under subsection (a), the Institute of Medicine shall do the following:

(1) Determine whether service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, increased the risk of developing multiple sclerosis.

(2) Identify the incidence and prevalence of diagnosed neurological diseases, including multiple sclerosis, Parkinson's disease, amyotrophic lateral sclerosis, and brain cancers, as well as central nervous system abnormalities that are difficult to precisely diagnose, in each group as follows:

(A) Members of the Armed Forces who served during the Persian Gulf War in the Southwest Asia theater of operations.

(B) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

(C) A non-deployed comparison group for those who served in the Persian Gulf War in the Southwest Asia theater of operations and the Post 9/11 Global Operations theaters.

(3) Compare the incidence and prevalence of the named diagnosed neurological diseases and undiagnosed central nervous system abnormalities among veterans who served during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, in various locations during such periods, as determined by the Institute of Medicine.

(4) Collect information on risk factors, such as pesticide and other toxic exposures, to which veterans were exposed while serving during the Persian Gulf War in the Southwest Asia theater of operations or the Post 9/11 Global Operations theaters, or thereafter.

(c) REPORTS.—

(1) INTERIM REPORT.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, interim progress reports on the study required under subsection (a). Such reports shall not be required to include a description of interim results on the work under the study.

(2) FINAL REPORT.—The contract shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, a final report on the study by not later than December 31, 2011. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the study.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the study required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(2) The term “Persian Gulf War” has the meaning given that term in section 101(33) of title 38, United States Code.

(3) The term “Post 9/11 Global Operations theaters” means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

SEC. 807. COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than 10 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the Committees on Veterans' Affairs and Appropriations of the House of Representatives a report on the adequacy of dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, to surviving spouses and dependents of veterans who die as a result of a service-connected disability in replacing the deceased veteran's income.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a description of the current system for the payment of dependency and indemnity compensation to surviving spouses and dependents described in subsection (a), including a statement of the rates of such compensation so payable;

(2) an assessment of the adequacy of such payments in replacing the deceased veteran's income; and

(3) such recommendations as the Comptroller General considers appropriate in order to improve or enhance the effects of such payments in replacing the deceased veteran's income.

The PRESIDING OFFICER. Under the previous order, the title amendment is agreed to.

The title was amended so as to read:

“To amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.”

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

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.

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

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

**GENETIC INFORMATION
NONDISCRIMINATION ACT OF 2007**

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 493, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the previous order with respect to H.R. 493 be modified to provide that following disposition of S. 1315, the time until 2:15 p.m. be equally divided and controlled, as previously ordered, and the Senate proceed to vote on passage of H.R. 493, with the remaining provisions of the previous order remaining in effect.

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

Mr. KENNEDY. Mr. President, for the information of our membership, we will be having a rollcall vote, then, at 2:15 p.m., and the time, now, will be divided between Senator ENZI and myself on the issue of the genetic non-discrimination legislation.

Mr. President, I yield myself such time as I might use.

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

Mr. KENNEDY. Mr. President, today, the Senate is considering the first major new civil rights bill of the new century. Five years ago this week, we celebrated a milestone that once seemed unimaginable: the completion of the Human Genome Project, which sequenced and mapped all the genes in the human body. This Friday is DNA Day, when we pay tribute to this amazing accomplishment, which was the dawn of a new era in the life sciences. Mapping the human genome has provided extraordinary insights for modern medicine, and it has opened the door to immense new opportunities to prevent, diagnosis, treat, and cure disease. Its discovery may well affect the 21st century as profoundly as the invention of the computer or the splitting of the atom affected the 20th century.

But with this invaluable new information comes a tremendous responsibility. A person's unique genetic code contains the most personal aspects of their identity. As we begin to decipher this information, Americans have legitimate fears about how this deeply private information will be used. Surveys show that people are already declining to take medically valuable tests out of fear that they will face discrimination or invasion of their personal privacy. These fears are not unwarranted. As Francis Collins, the leader of the NIH project to sequence the human genome, has said:

Genetic information and genetic technology can be used in ways that are fundamentally unjust. Already, people have lost their jobs, lost their health insurance, and lost their economic well-being because of the misuse of genetic information.

The remarkable medical advances of the genetic age will be valuable only if people are not afraid to take advantage of them. The promise of this new science will be in jeopardy if our laws fail to contain adequate protections against abuse and misuse of genetic information.

The bipartisan bill now before the Senate takes a substantial step to preserve the value of new genetic technology and to protect the basic rights

of every American. The Genetic Information Nondiscrimination Act recognizes that discrimination based on a person's genetic identity is just as unacceptable as discrimination on the basis of race or religion. No American should be denied health insurance or be fired from a job because of genetic testing.

The bill before us provides comprehensive protections. It prohibits health insurers from using a patient's genetic information to deny health insurance coverage or raise premiums. It bars employers from using genetic information to make employment-related decisions. It prohibits insurers and employers from seeking genetic information or requiring individuals to take genetic tests. It bars disclosure of genetic information by insurers or employers, and it contains effective remedies so that anyone who has suffered genetic discrimination can obtain relief. By granting these protections, the bill gives the American people the opportunity to reap the rewards of improved health care through genetics without fear of unjust use of their personal genetic makeup.

This bill has been the product of a decade of dedicated effort by Members on both sides of the aisle. My sincere thanks go to Senator SNOWE and Senator ENZI for helping to lead this bipartisan effort with me, and to Senator REID, our majority leader, and the Senate leadership, for their commitment to moving this bill forward. Thanks to Senator GREGG and Senator DODD and Senator HARKIN, who also made important contributions through their leadership and expertise. I commend our House colleagues—Speaker PELOSI, Representative SLAUGHTER, Representative BIGGERT, Chairman MILLER, Chairman RANGEL, and Chairman DINGELL—for their strong support, and also our former colleague, Senator Daschle, who was a leader in his term here in the Senate. It is a remarkable achievement to get this bill to the President's desk. The administration cooperated with us throughout the process, and we are grateful for its support on this important legislation.

We stand today on the threshold of a major new breakthrough in medical technology. With personalized medicine that genetic science makes possible, patients can receive therapy precisely tailored to their own genetic makeup with reduced side effects and greater potency. But the effectiveness of these new technologies is undercut by people's legitimate fears and the lack of strong protections.

Just this week, doctors announced important findings on the genetic factors that may contribute to Parkinson's disease. There are new discoveries in genetic variations that may confer a reduced risk of heart failure and new insights into the genetic switches that may one day control cancer. But one great barrier stands in the way of these extraordinary advances that are possible in this new field of discovery: the

reluctance of patients to receive the benefit of this new science and the fear that is already keeping patients from volunteering for this research.

Even the crown jewel of our Federal research enterprise, the National Institutes of Health, has been affected by this fear. The threat of genetic discrimination is so real that it is even listed on the informed consent document that the NIH provides to patients considering enrolling in the clinical trials of the new genetic medicines. This is what the chart says:

We will not release any information about you or your family to your insurance company or employer without your permission. However, instances are known in which genetic information has been obtained through legal means by third parties. This may affect you or your family's ability to get health insurance and/or a job.

Can you imagine individuals going out to the NIH and saying: I will volunteer in order to be a part of a research program, only to find out that their genetic information could be leaked? What happens if it is leaked? The insurance companies will say: Look, this individual has a better chance of getting breast cancer, diabetes, bipolar disorder, or a whole series of different types of cancer, so why are we going to go ahead and insure that individual? Or if we are going to insure him, we are going to charge a good deal more.

Some of this genetic information is valuable to know for medical history. For example, if mothers have certain types of genetic markers, the daughters might want to find out whether they have the same kind of proclivity. Yet if they go out and have the test so that they know whether to start thinking about treating that particular health challenge, they know they will be discriminated against. They won't be able to get a job because an employer will say: Why should I hire that person when they may very well develop breast cancer, and why should I hire that person because if they develop breast cancer, then it will cost my company a good deal more to pay for that individual's health insurance. That is the reality today. That is happening today.

There has been an explosion of progress in terms of genetic research. New opportunities for personalized medicine are opening, which is really going to be the pathway in the future. With personalized medicine, patients will no longer have to receive treatments that work for the average person—but may not work for them. Instead, they will receive therapies precisely tailored to their own genetic makeup, with reduced side effects and far greater potency.

Individualized medicine is the way of the future. With that, there is going to be a great deal more information about an individual's health, but also the attendant challenge and problem that this information could be used to adversely impact that individual. That is what we want to avoid, and that is what we want to protect against.

We know there are numerous barriers to new discoveries that Congress can do little about: the complexities of disease, the uncertainties of science, and the rarity of true inspiration. But this is one major problem which is entirely within our power to solve. We can make a difference, and we can do it today. With effective protections against the misuse of genetic information, this amazing new technology can realize its potential and bring better health care to all people throughout our world. I hope all of our colleagues will join in advancing the potential of genetic research by supporting the Genetic Information Nondiscrimination Act.

I want to show on the chart all of the different groups that are supporting this legislation. It gives us a very clear idea of the overwhelming support of the medical profession. Family physicians, pediatricians, the American Cancer Society, the American Diabetes Association, the American Heart Association—virtually the whole health community strongly supports this bill. The National Partnership For Women and Families and other women's groups and civil rights groups are supportive, as are the many specialized medical groups that know about genetic diseases.

Genetic discrimination issues are often tied to national origin. We have the Tay-Sachs disease that affects many members of the Jewish community; sickle cell anemia, which affects many African Americans; Cooley's disease, which affects many of those who come from Mediterranean countries, and a host of others. These are genetic diseases. That is why a number of the different groups are so concerned about this, because they have seen the discrimination.

I will just give ease to our colleagues. This chart shows when we have considered the legislation at other times. We considered it in 2003—the Senate did—and in 2005, and look at the overwhelming votes, Republicans and Democrats, even in the House in 2007. But we haven't been able to get the House and Senate together at the same time. So this has been going on since 2003, and we are in 2008. We have the opportunity with this legislation to get the job done, and the President has indicated he is going to sign it so we can achieve this extremely important undertaking.

Let me just review some of the other statements about why this is so important. We remarked here just a few moments ago about the dangers that are out there in terms of people being concerned about the violation of their privacy based on genetic information. Is this really a problem? This is a chart which shows that 72 percent of Americans think laws are needed to protect genetic privacy. The American people are really way ahead of us in the Congress on this issue. They understand that their genetic privacy is enormously important. They have an inner

sense, which is well-founded, that their genetic privacy can be abused. We have 72 percent of Americans who think we need laws.

This chart shows that Americans want their genetic information kept private. Ninety-two percent of Americans think their employer should not have access to their genetic information for the reasons I have outlined. If you don't have these protections and employers are able to find out that certain individuals they are employing have a greater proclivity to develop disease, there is a very good chance they will discriminate against those individuals. That has been the case.

Eighty percent of Americans think their health insurer should not have access to their genetic information. The reason for that is a very sound reason, which is they believe if the insurer has that kind of information, the cost for the health insurance, which is extraordinarily high today, will go up even further. So the American people are way ahead of the Congress in getting this. With this, Mr. President, we will be meeting their particular needs.

I want to show this chart. Francis Collins, for many of us in this body—and I think for the health community—is one of the great giants in health research. He is the person who has been at the heart and soul of the research on the Human Genome Project and in understanding the power of genes. He has made an absolutely extraordinary contribution in terms of science and public policy. He is a tireless advocate and a wonderful asset for all of us here in the Senate, on both sides of the aisle, in strong support for this legislation.

As he points out:

Discrimination in health insurance, and the fear of potential discrimination, threaten both society's ability to use new genetic technologies to improve human health and the ability to conduct the very research we need to understand, treat, and prevent genetic disease.

That says it all. It talks about the danger, in terms of discrimination, and also about the ability to do the research. You could be discriminated against in terms of your job or in terms of the increased costs in your health insurance, or if you were involved in research, volunteering for research—the dangers that this kind of information would be out there and could be used against you.

Mr. President, I remember—and it wasn't that long ago—when we listened to Dr. Collins. He was talking about the progress made in genetic research. They were talking about markers at that time. I think some of the earliest progress was made in terms of developing information about breast cancer and who had the proclivity to develop breast cancer. That was truly remarkable. Since that time—and it has only been a few years—we have seen that expand to prostate cancer, diabetes, bipolar, Alzheimer's, schizophrenia, and Parkinson's. Think of that. That list is

growing virtually every day. We are eventually going to be getting health care systems that will say: If you have these kinds of diseases, we have the particular targeted kind of personalized medicine to help you either recover or to protect you in terms of the future. That is going to happen, Mr. President. It is going to happen sooner rather than later.

This gives you an idea of how rapidly this kind of research is moving along and how this kind of research, in the hands of top-rated physicians and researchers who know how to treat these illnesses and sicknesses, will make a difference in terms of improving the quality of health care on the one hand. It is so dramatic, as is the danger of abuse by unscrupulous employers or health insurance companies on the other hand. That is what this legislation is really all about. That is why this is so important and why it has strong bipartisan support.

In many respects, this is going to be one of the most important pieces of health legislation we pass in this Congress. We have other very important health proposals, but this will make an enormous difference in terms of the march for progress for good health care. We look forward to a strong vote. I yield the floor.

Mr. ENZI. Mr. President, this is an exciting day. We are going to make a difference in health care for this country—not sick care; health care—and this will unlock a door that will allow people to get the kind of genetic testing where they can tell if something down the road might happen to them and prevent it, or at least weaken the effect of it.

As time goes on, we will find more causes that will relate back to the genome and people will be able to immediately check if that new problem could relate to them and they can solve it before it happens to them. That is health care. That gets us away from sick care.

I finished a tour in Wyoming. I called it the 10 steps for 10 steps of health care. I collected ideas from across this body on ways we could solve health care problems in America. It is 10 steps. They can be done separately. If they are done separately, each step will get us closer to lower costs and better access. If all of them are done, we will have every American insured.

We need to get into prevention, particularly of chronic illnesses, and this bill will do it. Right now, people are afraid to get their blood tested. Sometimes they are forced to have their blood tested. Insurance companies sometimes want a blood test. That blood test will tell far more than it ever did in the history of the world, and that can have some dire consequences, except for this bill. This bill will protect people. This bill, first of all, ensures that if an insurance company takes that test and they find out anything, the person whose blood it was gets to find out everything. A lot

of times they learn nothing. That is not fair. This will assure that doesn't happen.

Another thing that happens is sometimes there is a little clause—usually there is a clause—which says if it is a preexisting condition, the insurance company doesn't have to cover it. Well, this keeps that information of what could possibly happen to you from becoming a preexisting condition until it actually happens. That gives the individual the chance to do something about it first. If it doesn't happen, it isn't a preexisting condition. That is what this bill will do.

Now, another bill we need to be working on, of course, that I cover in my 10 steps, is health information technology. That fits with this genome project. I have asked many times: How many of you have your medical records with you? You know, I have yet to have anybody say they do. With the technology we have in this country, everybody ought to be able to have all their health care and their genome on a card such as this, that they can carry with them everywhere.

If the health IT bill passed, you could be on vacation from Wyoming out here in DC, and if something happened, that card would be readable out here. So a doctor here could know everything he needs to know to fix you as well as possible. That is a step we have to have in health care. We are very close to getting it.

The old privacy issue crops up every once in a while. It isn't a matter of privacy. Your privacy needs to be protected and it is protected. There is always a problem of data security. Right now, records are in hospital files and in doctors' offices, and hundreds of people can come through there. Yes, the records are kind of protected, but people can look at them, and you would never know. If it is in health information technology and somebody gets to look at it, you will know. In order to sell health information technology, companies need to be working on a daily basis to make sure that information is secured. They are out of business if it is not.

So that is not a problem, and that is a bill we need to put through in a process such as this. I think there is near unanimous agreement on both sides of the aisle that needs to be passed, and we ought to have the hour or hour and a half or 2 hours of debate on that and get that one done. Then people truly could have their information on a card they carry with them all the time. They could even add their own comments and the things they learn about themselves on their card.

There is a better reason for passing it than that, though, and that is there are a lot of duplication tests these days. You go to one provider and he says: I have to do that test. It is an expensive test. He says: Because of this test, I need to send you to a specialist, and the specialist says: It is going to take so long to get that record over here, we

are going to do the test over again. Some of these tests are \$3,000, \$5,000 or \$10,000. The RAND Corporation says if we could eliminate the duplication of tests, we could save \$140 billion a year. Even in this body, that is real money. We need to do that. That would be another step. It is just as close as this genetic nondiscrimination has been for a long time.

Of course, one of the rules around here is the first 90 percent of a bill takes 90 percent of the time, and the other 10 percent takes 90 percent too. That is where we have been on this. But we have finally bridged the last hurdle. We have gotten understanding among all the people in this body—no small task—so everybody has been speaking favorably on this bill and with good reason. It has been a long time coming.

I should mention that is another thing we kind of do that is a little unusual. We preconferenced with the other side. We have already talked to the people over there who will manage any debate on that side, and this bill is going to pass the House the same way it is passing the Senate. We have already checked with the White House, and it is going to be signed. So I wish to congratulate the chairman of the committee for the way he has been working on this bill. This is the way bills are supposed to be done, in my opinion.

We have worked together on a lot of bills, and the ones that go through committee and we work out these details, wind up going through here in a hurry. We have learned something from being in a hurry. Previously, a lot of bills that have gone through here, we have let them go by unanimous voice vote. We didn't have the benefit of having that opportunity to explain this, consequently we haven't gotten much publicity. If the publicity doesn't go out on it, the people don't know about it. We are not interested in publicity for the publicity, but we are interested in people knowing what this bill does that will help them and that will encourage them to use the genome. That is why we need this.

I congratulate Senator KENNEDY for all of his work on this—kind of following the 80-percent rule. He and I are able to agree on 80 percent of everything. Then we pick out one issue and we can usually agree on 80 percent of that and, more importantly, we can get the groups that are interested in that to agree with that same part. If you have groups out there that are opposing something, the bill probably doesn't have a lot of chance of getting through here. We covered quite a range of base between the two of us, and that makes it possible to bring a lot of people along.

I thank Senator KENNEDY, Senator GREGG, and Senator SNOWE for their efforts to reach a bipartisan agreement on this bill. I particularly thank Senator COBURN for working hard to make this historic bill better. He did some

important work, working with the business community, and his knowledge as a doctor, to make it better. I appreciate all of that effort. I appreciate the effort of the Senators, the effort of their staffs.

I especially recognize the efforts of my HELP Committee staff director, Ilyse Schuman. The first job she had when she came to work for me 6 years ago was to work on this bill. I said it often takes 6 years to get an idea through the Senate. I never believed that until I figured out that she has been working on it 6 years. It should not take us that long to get some of these ideas to stick.

I also thank Andrew Patzman, who is my former health insurance staffer, who also played a major role in the development and forward progress of this bill.

I thank Shana Christrup, Keith Flanagan, Brian Hayes, and Kyle Hicks of my staff for their hard work on this bill. In addition, I wish to thank some of Senator KENNEDY's staff: Michael Myers, David Bowen, Lauren McGarity, and Portia Wu; also Stephanie Carlton of Senator COBURN's staff, who was absolutely essential; Bill Pewen of Senator SNOWE's staff; Meg Hauck of Leader MCCONNELL's staff; Jen Romans of Senator KYL's staff, and Jay Khosla and David Fisher of Senator GREGG's staff, for their hard work.

We get to come in and take the credit. They work on these for hours, days, even through weekends sometimes.

I also thank Kim Monk, formerly of Senator GREGG's staff, and David Thompson, formerly of Senator GREGG's and my own staff; and lastly special thanks to Bill Baird of the Senate's Office of Legislative Counsel, and Pete Goodloe, formerly of the House Office of Legislative Counsel and now with Chairman DINGELL's staff, because their extraordinary legal drafting and problem-solving skills and their years of hard work helped to make this bill possible.

I thank everybody for their work on this.

THE PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I yield myself such time as I may consume.

It certainly has been an exceptionally long journey to reach this point where we are today in the Senate. We are at least in sight of enactment of this watershed legislation to prevent genetic discrimination. In fact, it will open an entirely new universe of infinite possibilities for Americans for years to come.

I commend the majority leader for making this legislation a high priority for the Senate's consideration today, as well as the minority leader, Senator MCCONNELL, for his concurrence and support, and my colleague, Senator KENNEDY, the lead Democratic cosponsor and chairman of the HELP Committee. He has labored passionately and tirelessly so that every American can realize the protections embodied in

the legislation. He marshaled this bill through committee, and we have endeavored to work together throughout this Congress on both sides of the aisle, in both bodies, to ensure that we would be able to be in a position in the Senate to vote on this legislation.

Senator ENZI has been absolutely crucial, as well, to our success. He is the former chairman of the HELP Committee and is now the ranking member. He helped to obtain an array of support from so many Americans across this country, as well as organizations that include health providers, businesses, and health plans, which are central to providing a strong coalition for support.

Similarly, Senator GREGG, former HELP Committee chairman in 2003, has worked to further the cause of defending Americans from genetic discrimination as well.

Together, these colleagues—and more—helped the Senate on two separate occasions to overwhelmingly pass this legislation, in both 2003 and 2005. It has been a long effort to realize this fruition today.

It was a dozen years ago when I first introduced this legislation to protect individuals from discrimination in health insurance based on genetic information. At that time, there were several of us who recognized the tremendous threat posed by this practice, including those I have mentioned and former Senate majority leader, Senator Frist, and former minority leader, Senator Daschle, who at the time certainly foresaw that the misuse of genetic information would create a new form of discrimination.

Yesterday, we attended the unveiling of the portrait of Senator Daschle. One of his former staffers indicated that it is appropriate that the time of that unveiling coincides with this legislation pending before the Senate. It was so important to him.

Today, I am certain many colleagues, past and present, are delighted that we are in a position today to pass this legislation. We are on the brink of forestalling this discrimination before it becomes firmly entrenched.

It is also important, as Senator KENNEDY cited yesterday, given that this Friday is National DNA Day, which will mark the 55th anniversary of the publication of the landmark paper describing the structure of DNA. Since that breakthrough, our understanding of genetics has expanded exponentially. Over the past decade, our progress in understanding genetics has been moving at a dizzying pace, particularly following the completion of the Human Genome Project in 2003. That knowledge can work either for the benefit or harm to individuals, as we know.

Today, my colleagues are dedicated to ensuring the meaning of the words of the Hippocratic Oath to "do no harm." Today, the Senate will, for the third time, ban discrimination based on genetics.

Passage of this legislation by the House of Representatives was 1 year

ago, where Representative SLAUGHTER and others worked to shepherd this legislation through three committee markups to an overwhelming House passage of 420 to 3. The President has called for enactment of the legislation to prevent this discrimination. Ninety percent of Americans believe insurers and employers should not be allowed to discriminate based on genetic information. Now it is the Senate's turn.

We now have an agreement between the Senate, the House, and the President. Indeed, this bill represents a triumph of bipartisan collaboration and truth. Although there was broad agreement in principle to protect individuals from discrimination, some debated the language in our bill, taking issue with whether it would affect the policy that was intended. We have listened to the concerns, and we worked with them and responded. I thank, in particular, Senator COBURN for working with us in a collaborative fashion to resolve these issues and to allow the debate to proceed and finally vote on final enactment of the legislation.

Too much is at stake to create uncertainty and ambiguity. The protections we enact must be effective. Having worked closely with both House and Senate colleagues, the legislation is nearly identical to the legislation passed in the House. We have addressed the remaining concerns that were raised by many, including the administration. I think it did not change in any way. The fundamentals of this legislation, in fact, probably acted to improve it in some categories. We have clarified that entities could communicate genetic information consistent with the HIPAA privacy regulations, the Health Insurance Portability and Accountability Act. We worked to ensure that health plans may continue to utilize the presence of actual manifested diseases and issue rating coverages. That is the case today. We don't change that.

We are at the threshold of a new era, without question. For the first time, we act to prevent discrimination before it has taken firm hold. That is why this legislation is unique and groundbreaking. In the past, Congress has acted to address discrimination, but with this bill we are making a statement and taking a stand and saying that we look to the future, and genetic discrimination will not be allowed to flourish, take root, and stand between Americans and the vast potential that genetic information can provide for the greater quality of life.

Genetic discrimination is based on the unchangeable. By its nature, the basis on which one discriminates, with respect to genetics, is not readily apparent. In fact, the individual discriminating must search for information on which to act. So there is no question that it is a deliberate and willful effort. For example, if you see the breast cancer gene information on women, in order to deny women health insurance or raise the cost of that coverage, the

question of your intent seems indisputably clear. It is not inadvertent but a willful discrimination against women with greater risk of breast cancer—women who should benefit from that knowledge and intervention, they should not be punished for it. Because these data must be available for such discrimination to take place, it is clear why this legislation not only prohibits the act of discrimination but rightly respects circumstances in which one may request a genetics test or possess an individual's genetic information. That is all the more critical today because there is an ever-expanding universe of such genetic data, information which could be utilized to improve health, reduce costs, and to extend lives. But it is absolutely useless if it, instead, discourages individuals from either participating in vital research or realizing the remarkable benefits that research is producing.

Just a few years ago, it was virtually impossible to find genetic information on which to discriminate. You might be asked if you had a family history of a disorder. Today, the medical and scientific landscape has changed dramatically, and our laws must change with it. We have long known about a small number of genes that play a role in some diseases, such as Huntington's disease and the early onset of Alzheimer's. Yet the progress of discovery and study was maddeningly slow and tedious. The Human Genome Project changed all of that.

Today, with new technology, we are witnessing an explosive increase in our understanding of genetics and human health. That growing genetics knowledge offers the historic potential of cures and customized therapies. Even more promising, genetic advances will enable us to actually prevent the development of diseases. But this potential and the billions spent in discovering genetic relationships and the development of treatments and preventive agents will certainly be in vain if Americans don't choose to access these advances. To do so, Americans must agree to undergo genetic testing. There are more than 1,100 genetic tests today. So that only tells you the exponential growth that will be created and occur in the future. Would you undergo that testing if you knew the information about your genetic makeup could be used against you to deny you employment or health coverage?

Mr. President, some say that kind of discrimination is but a future possibility, that we can afford to wait until genetic discrimination becomes manifest. But it already has done so. We have a veritable litany of examples of heartbreaking circumstances where individuals chose not to seek and utilize genetic information for fear of discrimination.

I learned this from the real-life experience of one of my constituents more than 10 years ago. Her name is Bonnie Lee Tucker. Bonnie Lee wrote me about her fear of having the BRAC test

for breast cancer, even though she has nine women in her immediate family who were diagnosed with breast cancer and she herself is a survivor. She wrote to me about her fear of having the BRAC test because she worried it would ruin her daughter's ability to obtain insurance in the future.

Bonnie's experience certainly demonstrated how our expanding knowledge of genetics could truly be both beneficial and harmful. I recognize we simply must act to prevent the latter.

Bonnie Lee is not the only one who has had that fear, as we all learned. Most disturbingly, when the National Institutes of Health offered women genetic testing, nearly 32 percent of those who were offered a test for breast cancer declined to participate, citing concerns about health insurance discrimination. That is a sad commentary today when we cannot maximize the value of scientific progress, we cannot apply it to those who would benefit most.

We have documented cases where some attempted to mandate genetic testing. Even when this is designed to improve the delivery of health care, it must be recognized that once that information is disclosed and is unprotected, a future employer or insurer may not necessarily apply that information in such a benign way, as we have all learned.

Yet we have recognized that if an individual accepts a genetic test, they may be able to take action as a result—preventing disease or premature death in the process or also reducing the burden of high health care costs.

I recall the testimony before Congress, as Senator KENNEDY, of Dr. Francis Collins, the Director of the National Human Genome Institute. He has been such an extraordinary leader in helping us realize the critical role genomics will play in human health and the arena beyond.

In speaking of the next step for those involved in the genome project, he explained that the project scientists were engaged in a major endeavor “to uncover the connections between particular genes and particular diseases to apply the knowledge they had just unlocked.”

In order to accomplish this, Dr. Collins said:

We need a vigorous research enterprise with an involvement of a large number of individuals so we can draw the most precise connections between a particular spelling of a gene and a particular outcome.

It is undeniably evident that this effort cannot be successful if people are fearful of possible repercussions from their participation in genetic testing. The bottom line that given the advances in science, there are two separate issues at hand.

The first is to restrict discrimination by health insurers. The second is to prevent employment discrimination based simply on an individual's genetic information. Some of us saw this danger and the harm it can pose to millions of Americans, and that is why

more than a decade ago, Representative LOUISE SLAUGHTER and I introduced legislation in our respective bodies to ban discrimination in health insurance. At that time, the completion of the human genome seemed to be in the very distant future. But the science has certainly outpaced congressional action. As we know and as mentioned in the Senate on two different occasions, we passed this legislation unanimously on the floor of the Senate. Unfortunately, we could not get it beyond. So here we are today on the verge of doing it once again. This legislation does reflect the bipartisan bicameral efforts we are entering into: a new era of human health, that we have engaged in this process mightily over the last 16 months to forge an even stronger consensus on the fundamental agreements of genome.

Since the time of the introduction of our first bipartisan bill in the Senate, we have worked to reiterate the agreements on which this legislation is based and to build an even stronger foundation for this legislation, for fundamental to this bill is establishing strong protections, both in health coverage and in employment, without unraveling established law.

With regard to health insurance, the issues are clear and familiar. The Senate debated them previously in the context of consideration of larger privacy issues. Indeed, as Congress considered what is now the Health Insurance Accountability and Portability Act of 1996, we also addressed the issues of privacy of medical information.

Moreover, any legislation that seeks to fully address genetic discrimination must consider the interaction and new protections with HIPAA. In fact, our legislation uses the exact same framework. As this bill makes clear, we do not create an onerous burden in record-keeping. Specifically, we clarify the protection of genetic information, as well as information on the request or receipt of genetic tests from being used by an insurer against an individual. That is key because we must recognize that genetic information only detects the potential for genetically linked disease or disorder and does not equal a diagnosis of a disease.

At the same time, it is also credible that this data be available to doctors and other health care professionals when necessary to diagnose or treat an illness. This is a distinction that begs our acknowledgment as we discuss protecting patients from potential discriminatory practices by insurers.

On the subject of employment discrimination, unlike our legislative history on debating privacy health matters, the record regarding protecting genetic information from workplace discrimination is not as extensive. To that end, our bipartisan bill creates these protections in the workplace, and there should be no question that great harm can occur when genetic information is used inappropriately.

As demonstrated by the Burlington Northern case, the threat of employ-

ment discrimination was very real and, therefore, it was essential that we take this information out of the realm of employers' reach before the use of this information becomes more widespread. In that instance, employees were tested without their knowledge of what the testing was going to be used for. Ultimately, it turned out it was for carpal tunnel syndrome. But there was no way they were required, mandated by the employer to undergo that testing.

In this aspect, the Congress has to provide the protections to ensure that these discriminatory actions do not become widespread. On this aspect, the Congress has substantial employment case law and legislative history on which to build. Indeed, as we consider the remarkable growth in genomics and the harm which could result with its use, we agree we must extend current law discrimination protections to genetic information.

We reviewed the current employment discrimination code and decided what remedies would be available for instances of genetic discriminations and if they would differ for those available in other instances under current law, such as the Americans with Disabilities Act, which are enforced by the Equal Employment Opportunity Commission.

As a result, the pending legislation creates new protections by paralleling current law and clarifying the recent remedies available to victims of discrimination. Ensuring that regardless of whether a person is discriminated against because of their religion, their race, or their DNA, individuals will all receive the same protections under the law, as they should.

Some have been concerned that despite clear prohibitions and reasonable remedies and penalties in disputes, there will be incentives to seek greater or lesser penalties justified under statute, and the legislation defines those boundaries. It will be the presence of these prohibitions and penalties which will ensure we do not see a growth in genetic discrimination. Indeed, I believe some who have questioned the necessity of this legislation may continue to do so, pointing to no overwhelming problem before us, that it is essentially a solution in search of a problem.

The bottom line is this legislation will prevent and preempt harm. They will recognize in the final analysis, given the open-ended, infinite possibilities that will be created by genetics, that if we provide these protections, individuals will have the incentive to increasingly avail themselves of medical knowledge which will not only improve their health, but actually reduce health care costs.

The fact is, for employers who have had concerns about this legislation, they should also recognize how it will significantly reduce health care costs. Isn't it essential to utilize our investments in advancing medical knowledge to prevent disease, disability, or even death? To the contrary. The fact is we

need the incentives to ensure individuals will use genetic testing. So to that end, IBM pledged a few years ago not to use genetic information in hiring practices and deciding eligibility for health insurance coverage. This, again, demonstrated admirable understanding of how such discrimination can harm both the individual and business, and IBM has found that policy works.

It has been more than 6 years since the completion of the working draft of the human genome. Like a book which is never opened, the potential of our expanding genetic knowledge will not be realized unless individuals can take advantage of it without adverse consequences.

The pending legislation is a shining example of what we can accomplish when we set aside our partisan differences. In fact, we achieved remarkable success in this endeavor. I stated this earlier. The House of Representatives passed it by 420 to 3. That is an extraordinary tally reflecting, I think, the broad-based support this legislation enjoys.

Today 46 Members of the Senate—Republicans, Democrats, and Independents—are sponsors of this legislation and a broad coalition of the Genetic Alliance that includes more than 600 member organizations.

We are at a historic crossroads on a paramount issue that can make the difference between life and death for countless Americans. People deserve to have protections from genetic discrimination, and this legislation deserves swift enactment in the Senate.

As science and medicine hurl headlong into the 21st century, we have a responsibility to ensure our laws keep pace to ensure the benefits of this extraordinary era of advancements that can be realized by everyone without penalty.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Connecticut.

Mr. DODD. Mr. President, I rise to address this issue as well. Before she leaves the floor, I commend the Senator from Maine who has been long involved, going back more than 10 years on this issue. I had the privilege joining with her 10 years ago as a cosponsor of legislation in 1997. This is a colleague who has been deeply involved in this issue for a long time. I recognize her early contribution to this debate. I thank her for her comments.

I rise today to express my strong support for the Genetic Information Non-discrimination Act—better known as GINA—to urge its speedy passage by this body. When I first joined Senator SNOWE in the fight for passage of this legislation, our Nation was at the dawn of a burgeoning genetic age, a time when we could only dream of the technologies that would exist 10 years later. Those genetic technologies are here now and here to stay.

Genetic testing and genomic services are being advertised directly to consumers even as we speak.

These ads are hard to read, but I am going to try to hold them up for people to see. Maybe others have put up similar ads. Here are some of the advertisements that appear in local newspapers that advertise services. One is for \$99. I don't know what the cost is on this one. It is a BRAC analysis dealing with breast cancer. These are a few ads to show what is happening across the country.

This is good news, but also dangerous in some ways because people are making decisions about their conditions and their futures sometimes based on very shoddy information. It is troubling to me people are being drawn into this situation without understanding the full implications.

Genetic testing and genomic services are being advertised, as I said, to consumers. So the need for this legislation has never been greater. This is a very important moment for us to act.

I also wish to take a moment to commend the leadership of Senator SNOWE who, as I said earlier, was involved in this issue early on. Also, Senator PETE DOMENICI. He and I were involved with a bill in 1997 as well, about the time I joined Senator SNOWE on her legislation. Senator DOMENICI was very interested in this subject. And, obviously, I commend the work of Senator KENNEDY and Senator ENZI. Their leadership and skillful negotiations have allowed for passage of this legislation. I commend Senator HARRY REID, the majority leader, as well for his support and commitment to the passage of this legislation. While he is no longer a Member of this body, I commend Senator Tom Daschle, who was very interested in this subject matter and offered legislation as a Senator, also as leader. While we recognized his contributions a day or so ago with the hanging of his portrait as a former leader of this body, he was deeply involved in this issue, and I would be remiss if I did not recognize his contribution as well, as a former Member of this body whose work enabled the Senate to achieve passage of this legislation in previous Congresses.

Many of us on both sides of the aisle saw the need years ago for legally enforceable rules to maximize the potential benefits of genetic information and to minimize its potential dangers. But despite passage of the legislation in the Senate twice and the House once, it is still not the law of the land. Up until today, passage of this legislation has been blocked by one Senator. While I am heartened that efforts to obstruct passage of a bill so widely supported in the House and the Senate have been overcome, I am disappointed that the valuable protections provided by this legislation were denied to the American people until now.

In the decade that has passed while this legislation has been pending, the sequencing of the human genome was completed, yielding a dizzying number of discoveries about genes associated with diseases and accelerating genetic

research. Scientists are finding that nearly all diseases, including common diseases, such as diabetes and heart disease, have a genetic component. Determining the underlying genetic components of disease is fueling the development of new treatments and cures.

As an aside, years ago, at Yale Medical School, I attended a briefing by the professionals there. They were doing studies on young girls, determining in twins the ability to detect very early on a genetic predisposition to breast cancer. A remarkable breakthrough was occurring with the wonderful news that we could possibly moderate lifestyles and improve them accordingly to avoid the onslaught of that dreaded disease. Obviously, there were concerns as well about such information becoming available without adequate protections with respect to insurance and employment opportunities as well as the conclusions people might make as a result of that information. But, nonetheless, I was very impressed with the work being done years ago in this whole area of identifying the genetic components of diseases.

Additionally, genetic tests for hundreds of disorders are already available, with many more in the pipeline. Some of these tests predict the likelihood of developing a disease or condition, providing unique opportunities for interventions that may delay the onset or wholly prevent that disease from occurring. In the not-so-distant future, routine use of genetic information is going to give doctors an unprecedented ability to tailor treatments to the individual patient.

However, the potential benefits of such advances in medicine will not be realized if people refuse genetic testing or do not participate in genetic research because they fear discrimination by an employer or by an insurance company. Indeed, surveys have repeatedly shown that Americans do fear the possibility of genetic discrimination. They are afraid of losing their jobs or health insurance coverage because their employer or insurance company learns of a genetic risk for a disease, a disease they do not currently have or may never get at all. The fact you have a predisposition does not in any way guarantee it is going to happen. It is merely a predisposition. Yet that information, obviously, could affect the cost of insurance available to you if insurance is available at all or whether you were going to get that job you would like to have. Many people are also afraid of affecting their children's ability to get jobs or obtain insurance.

So without adequate protections against discrimination, people may forgo genetic testing, even in cases where the results have the potential to save their lives or the lives of their family.

Our genetic code is the most personal of all information. We do not yet fully understand what it can reveal about us as individuals and about whom we may

or may not become. All Americans have the right to use this information to make better health care decisions and not fear for its misuse.

The potential for misuse, of course, is very real. State laws provide only a mixed bag of safeguards, leaving inadequate or no protection at all against discrimination for many of our fellow citizens. Existing Federal protections against genetic discrimination under the Health Insurance Portability and Accountability Act or the Americans with Disability Act are inadequate to comprehensively protect against misuse of genetic information.

That is why this bill is so important, and why, again, the authors of it, the early sponsors of it, deserve great commendation by all. It would provide significant protections against the misuse of genetic information by health care providers and employers, ensuring that all Americans will not lose or be denied health insurance, jobs or promotions based on their genetic makeup.

Specifically, it prohibits enrollment restriction and premium adjustment on the basis of genetic information or genetic services. It prevents health plans and insurers from requesting or requiring an individual take a genetic test. With respect to employment discrimination, the legislation prohibits discrimination in hiring, compensation and other personnel processes and prohibits the collection of genetic information. The legislation protects each and every one of us because we all potentially have a genetic makeup that makes us more susceptible to some kind of an ailment, and that possibility should not be an obstruction to an insurance policy or a job.

While this legislation represents an enormous step forward and is a vast improvement over current law, many remain concerned about the measure's privacy protections, and we intend to continue monitoring them over time. Specifically, the legislation imposes important limitations on the collection of personal genetic information by insurance companies, but it would still allow them to collect such information without consent once an individual is enrolled in a health plan. While insurance companies are expressly prohibited from using this information for the purposes of underwriting, frankly, I remain concerned, once this information is collected, it may be difficult to control how it is used and who has access to it. As we have seen with numerous high-profile data breaches at the Veterans' Administration and the National Institutes of Health, the greater the number of people who have access to information, the greater the challenge of protecting that information.

As this bill becomes law—and I genuinely hope it will and am confident it will—all of us will be following the implementation and the extent to which it ensures privacy is protected. We will not hesitate to revisit the issue in the future, as I suspect we may have to.

I am the author of the Newborn Screening Saves Lives Act, along with

my colleague Senator HATCH of Utah, which the Senate passed unanimously last December and is expected to be signed into law by the President in the coming days. In fact, I am told that might occur today. This legislation would expand and improve the number and quality of screening tests for genetic and metabolic conditions offered to newborns, which I feel so strongly about, throughout our country. These tests are critical because if a newborn tests positive for one of these rare conditions, treatment must begin immediately to prevent a lifetime of disability or even death. Because many of these conditions are genetic, the protections guaranteed under this bill are critical to preventing discrimination against these infants and their families by insurers or employers.

The newborn screening legislation authored by Senator HATCH and myself, possibly signed into law today, will be enhanced tremendously by the adoption of this legislation because several of those tests, as I said, are genetic. So it is my strong hope GINA will be sent to the President for his signature.

Again, my compliments to Senators KENNEDY and ENZI and their staff for the work they have done on this, and, of course, to Senator SNOWE for being a pioneer years ago in this area.

With that, I yield the floor.

Mr. COBURN, Mr. President, I am pleased that we have finally reached an agreement on the Genetic Information Non-discrimination Act, GINA, and that it will soon become law.

April 2003 marked a scientific discovery significant enough to transform both science and society. April 2003 brought the announcement that a vast team of scientists had determined the exact sequence of the human genetic code and placed that information in public databases. This is an achievement the last generation could only dream about.

Scientific understanding of the links between genes and disease will soon give rise to a flood of new answers and cures for those that suffer from disease. We are on the cusp of a new, unprecedented era of personalized medicine.

As a practicing physician, I look forward to the better care and cures that I'll be able to give my patients with new technology developed from the use of genetic information.

While there have been very few documented cases of genetic discrimination, GINA will eliminate the fear of genetic information. All Americans need to know that their predictive genetic information—that they have no ability to change or control—will not be used against them in health care and employment decisions.

These protections will finally be enacted with the passage of GINA today in the Senate, House passage to follow, and then finally a bill that can be signed by President Bush.

Appropriately drafted legislation is an important key to unlocking the tre-

mendous potential to save and improve lives through the exciting field of medical genomics. GINA has long been a bipartisan vision.

I want to be crystal clear that I have supported the vision of GINA in the past, and I will support it again today.

While I did place a hold on GINA for a while, that hold meant we weren't finished crafting the legislative language on GINA. I reserved my right to debate and perfect it—after taking the time to read and understand the language of GINA and the House action on GINA.

It is like working on an appropriations bill—I support funding the government but that doesn't mean I support throwing \$3.1 trillion into it. There is some work that has to be done before we send a bill to the President. As lawmakers, we have the responsibility to make sure we write laws that do exactly what we're telling the American people they do. I feel confident that today's version of GINA does that.

I would note that when we finally started negotiating the substance of my concerns with GINA, we were able to get them resolved in 2 weeks. That was a much faster and more effective way of getting GINA done than what we've seen over the last year—slandering my reputation in the media and trying to slip the unfinished version of GINA into last minute appropriations bills.

I am pleased that Senators KENNEDY and ENZI recognized this and exercised leadership in bringing everyone to the table to get a solution that everyone could support. That's the kind of transparency and debate that the American people deserve.

Today's Senate passage of GINA marks a significant step forward so that the American people may fully benefit from the promise of genomics and personalized medicine. GINA removes the barriers to the full potential of personalized medicine.

Mr. ENZI, Mr. President, I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK, Mr. President, I thank my colleague, Senator ENZI, for his work, the chairman for his work, and I particularly recognize Senator SNOWE. I know Dr. Francis Collins, head of our Human Genome Project, and the key thing he has talked about from the outset of it was the need for this type of legislation which Senator SNOWE has championed for a long time. I am delighted to see it passing here. There is strong support for it.

I want to particularly point out a provision in the bill that was added on the House side by Representative BART STUPAK from Michigan, that would prevent the use of genetic information from unborn children and children in the process of being adopted. We can see a situation where somebody would apply for work, a lady who is pregnant, the child has Down syndrome, and that

information being used against her in being able to get employment. That is built within the bill and I am delighted that is in there so we do not have that type of discrimination taking place as well.

I have spoken previously about the very real pressure that exists in these types of situations, where people get a Down syndrome designation and then the pressure in the system to abort the child. Senator KENNEDY and I have a bill that I am hopeful we will be able to get passed on nondiscrimination taking place in these situations, getting more information out to the parents and an adoption registry of people who want to adopt Down syndrome children, who want to adopt children who have these difficulties.

At the same time, I think we need to know that today there is a real tragedy on a massive scale going on in the country of genetic discrimination. That is happening today in this country. We know that, today, 90 percent of the women who are pregnant with Down syndrome children, once they get that genetic designation of the child, the child will not be allowed to live—90 percent is the level that is taking place there, of that genetic information and its use. The numbers are similarly high for prenatally diagnosed children with spina bifida, cystic fibrosis, and dwarfism. It has all been well documented by the American Journal of Medical Genetics and the journal Prenatal Diagnosis. So we have an increase in genetic testing, up to 120 different tests, and then a number of these children in this situation not being allowed to live.

It is a bit personal with one of my staff members. Stacey Cervenka is here with me, who was born blind and is concerned that in the future our children are going to be prenatally diagnosed as being blind, deaf, and not allowed to get here. I do not think that is the kind of country we want to be in.

That is why I am so happy this bill is passing, so we do not have genetic discrimination of people. I think it should extend to the full range of a lifetime of genetic discrimination. That is why I have offered a bill with Senator KENNEDY to partially address this issue, the Prenatally and Postnatally Diagnosed Conditions Awareness Act, to ensure families get the necessary information in these situations and also the connection to the help and support services they need. It also provides for national registry for those willing to adopt children with these conditions.

We all should be concerned when one's genetic information is being used for discrimination. We know we are better than that as a society. The real question is whether every life at every stage and every place has that value and is worth protecting and fighting for. I think it is. I think we as a body believe that. One's genetic composition does not determine one's value. Those with disabilities have the same inherent human dignity and value as everyone else. Genetic discrimination

against anyone is unacceptable, particularly those who are next generation, our children.

I might add, as a close, that as reported this week, the Governor of Alaska, Governor Sarah Palin, gave birth to a child named Trig, who happens to be a Down syndrome child. I wish to share what she said on this occasion:

Trig is beautiful and already adored by us. We knew through early testings he would face special challenges, and we feel privileged that God would entrust us with this gift and allow us unspeakable joy as he entered our lives. We have faith that every baby is created for good purpose and has potential to make this world a better place. We are truly blessed.

What a great thought for all of us.

I yield the floor.

Mr. CARDIN. Mr. President, today is a groundbreaking day for millions of Americans and for the future of health care. I am pleased to strongly support the Genetic Information Nondiscrimination Act of 2007, a bill that I am proud to be an original cosponsor of.

I also want to recognize the outstanding leadership of Senator SNOWE and Congresswoman LOUISE SLAUGHTER, who have been working on this bill for many years. The House passed its bill last year by an overwhelming margin of 420 to 3. Tomorrow will mark 1 year since that House vote. It is my hope that today, the Senate will pass this bill by a substantial margin as well.

Years ago medical researchers began to discover the vast array of personal health information that could be determined through genetic testing, with the discovery of the human genome. By decoding the human genome, scientists have identified many of the gene sequences associated with disease, leading to new knowledge about the underlying causes of illnesses.

Last November, Duke University researchers announced the discovery of 200 "silenced genes," a unique group of genes that they believe play a profound role in health status. These are genes that may increase the likelihood that a person will develop mental illness, cancer, diabetes, or other major diseases, or they may serve to prevent the development of certain diseases. There are approximately 1,000 different tests available now, and private insurers are beginning to include some clinical genetic tests as part of their health insurance benefits packages.

Genetic testing holds extraordinary promise for individuals and for the doctors who treat them. It allows us to identify the predisposition to develop a certain disease. It allows us to decide which medical specialists to seek out, which preventive screenings to begin earlier than standards may recommend for the general population, which signs and symptoms of illness to be particularly alert to, and which diagnostic or predictive testing to pursue even when symptoms may not be present. It can be extremely helpful in cases, such as Huntington Disease, where gene testing is necessary to make a certain di-

agnosis. It also allows health care practitioners to make informed decisions about the optimal medical care to provide a patient with an inherited disease. And beyond the patients themselves, genetic testing can help predict the risk of disease to parents, siblings, and children.

Over the years, Americans have come to realize what these developments would mean for them. Unfortunately, at the same time we also began to realize that genetic testing can be used against us in the workplace and by health insurers. For example, the results of the BRCA-1 test for breast cancer can be used to deny employment to a woman or to refuse to issue her comprehensive health insurance coverage. And so it is completely understandable that patients decline tests that could provide them life-saving information because they fear discrimination.

What a waste of resources and medical information if, after all the work done by biomedical research and supported by billions of our dollars, the people who can benefit most from these discoveries do not take advantage of them.

Just this week, a new report revealed the poor health status of Americans. Our health status is worse than it should be, and our health care costs are far higher than they need to be because we are not taking advantage of the technology available to us to fight disease. Passage of GINA will help change that.

The Health Insurance Portability and Accountability Act of 1996 took some important first steps to protect employees and health consumers from discrimination along these lines, but current law does not go far enough. For example, now, employers may require clinical genetic tests as a qualifier for employment. Passage of GINA will change that also.

Most State legislatures have taken action to prevent health insurers from discriminating based on genetic testing. My State of Maryland, for example, prevents individual and group health insurance policies from establishing rules for eligibility based on genetic information. Insurance companies are not permitted to require applicants or enrollees to take genetic tests or provide genetic information, or can they use genetic information for risk selection or for determining health insurance rates. Maryland law also prohibits insurance companies from disclosing information without the informed consent of subscribers. Many other States have passed similar laws.

But because of ERISA pre-emption, millions of other Americans who are not protected by State laws still need our help. ERISA plans—those that are not fully insured but are instead self-insured and regulated by the Federal Government—are not covered by State laws. In Maryland, nearly 40 percent of insured workers have health insurance coverage that is not protected against genetic discrimination.

Nationwide, the numbers are even larger. According to the Employee Benefit Research Institute, nearly 55 percent of all workers are covered by a self-insured health plan, and in larger firms, those with 5,000 or more employees, 89 percent of workers are covered by self-insured arrangements in 2006, up from 62 percent in 1999. So just in the last 8 years, we have seen substantial increases in the number of workers who are subject to genetic discrimination in health insurance, even though the States where they live and work have taken steps to outlaw it. That is another of many reasons why passage of this bill today is necessary.

We know that the medical technology exists to help us defeat deadly and debilitating illnesses. It is time for Federal law to change so that Americans are free to use this technology.

In the 109th Congress, while I was still a Member of the House of Representatives, the Senate passed this legislation unanimously. I urge my colleagues to join me in strong support of this bill today and provide the American people with the protections they need to receive the quality health care they deserve.

Mr. LEVIN. Mr. President, I support the Genetic Information Nondiscrimination Act. Medical science has made amazing progress over the past century and a half, and I hope that we can pass this legislation, which will allow our nation to harness the promise of personalized medicine through an understanding of individual genomes, while ensuring that Americans are protected against the misuse of such powerful knowledge.

The past 140 years have marked an increasingly frequent series of scientific breakthroughs regarding that intricate and vital component of life called deoxyribonucleic acid, or DNA.

In 1869, Friedrich Miescher found the microscopic substance that would come to be called DNA within the nuclei of cells. In 1952, Alfred Hershey and Martha Chase confirmed that DNA plays a role in heredity. The following year, James Watson and Francis Crick used images produced by Rosalind Franklin to propose what many believe to be the first accurate model of the structure of DNA, the now-familiar double helix. In 1977, Fred Sanger boosted the "phi X" bacteriophage into the limelight by making it the first organism to have its genome sequenced.

With the advent of genome sequencing came the need for a common location to store all that information. Efforts to develop the Los Alamos Sequence Database, which was established in 1979, led to the establishment in 1982 of the GenBank to store genome sequences, which was jointly funded by the National Institutes of Health, NIH, the National Science Foundation, NSF, and the Departments of Defense and Energy.

In 1990, the Human Genome Project, a bold new international collaboration, was established. While there is more

work to be done, by about February of 2003, approximately 92 percent of the human genome had been sequenced. As scientists discover more about the human genome, we learn more about disease and illness. Understanding the relationship between our genes and disease has already led to improvements in screening, diagnosis, treatment, and even prevention where possible. In 2006, George Church announced the Personal Genome Project, which seeks to record the complete genome of each volunteer. The ability to unlock an individual's genome could, combined with the knowledge developed through genetic research, allow for personalized medicine to a degree that would have been unheard of only years ago.

Though there are many diseases we do not yet fully understand and though much additional research is needed, we have at our grasp the ability to make stunning breakthroughs in medicine by looking inside ourselves, to our own genes. With the incredible advances in modern medicine resulting from our new understanding of, and ability to analyze, our own genes comes great responsibility.

Genetic information about an individual could be used for great good: it could hold the keys to identifying the best way to treat each person for their illnesses. However, we must be careful to guard against the use of this information to discriminate against those of differing genetic compositions. It would be absolutely unacceptable, for example, for an employer to use genetic information in making hiring decisions or determining pay. Likewise, it would be unconscionable to allow insurance companies, whose business combines both health and risk assessment, to utilize genetic information for the purpose of denying coverage for, or charging higher rates to, an individual merely because of that person's unalterable building blocks of life, their DNA.

Probabilities and statistical measures derived from analysis of the human genome may be able to help us to be proactive and preventive in caring for patients. However, we must not allow discrimination on the basis of that information. There is always the chance that an individual will never develop a particular disease and, therefore, never incur the cost of treating the disease that never developed. It would be unjust to force an additional burden upon an individual as a result of the potential, as opposed to the fact, of developing a particular disease.

Unfortunately, the risk of discrimination is real. Our history has shown us that some employers have discriminated on the basis of a range of impermissible categories. As a result, Congress has passed laws such as the Civil Rights Act, CRA, the Americans with Disabilities Act, ADA, and the Age Discrimination in Employment Act, ADEA. These laws have made significant steps in reducing discrimination in employment, but problems remain

and Congress continues to work to pass additional antidiscrimination legislation to expand those protections.

Likewise, the economics of the health insurance industry, in its current form, demand that Congress act to pass legislation to protect individuals from being discriminated against, perhaps because their DNA indicates a possible disease or disorder that the insurance provider would rather not cover. Or perhaps merely because people with certain genetic markers might require more attention and care—and therefore represent a higher cost to the insurer—than others. I believe we have a moral obligation as a Nation to ensure that all Americans have access to quality, affordable health care. Part of that obligation includes ensuring that no American is denied health care because of their DNA.

We do not determine our own DNA. We are born with it. We cannot allow discrimination on the basis of such a fundamental aspect of life and one in which we had no choice. Beyond the genes that set the backdrop for our physical existence, we are, each of us, unique beings with the freedom to choose our paths in life. We must not allow the use of genetic information to constrain our freedoms.

The Genetic Information Nondiscrimination Act provides essential protections to preserve our individual freedom and protect our rights. I support this bill and I hope that it will receive speedy passage in the House of Representatives and that the President will act quickly to sign this critical legislation.

Mr. REID. Mr. President, passage of the Genetic Information Nondiscrimination Act, GINA, is the culmination of many years of work. This effort began over a dozen years ago and would not be possible without the work of many Members on both sides of the aisle.

Senator Daschle worked tirelessly on this legislation during his time as Democratic leader. Senator Jeffords was also a dedicated champion of this bill. Passage of this legislation today would not be possible without the perseverance of the bill's sponsors, Health, Education, Labor and Pensions, HELP, Committee Chairman KENNEDY, HELP Committee Ranking Member ENZI, and Senator SNOWE. Senators DODD and HARKIN have also been central to this effort. Congresswomen SLAUGHTER and BIGGERT along with Congressmen MILLER, DINGELL, and RANGEL have been leaders on this issue in the House. Thanks to their collective commitment to GINA, this crucial piece of legislation is finally on the verge of becoming law.

I also want to acknowledge the Coalition for Genetic Fairness and the many other organizations representing patient groups, medical professionals, scientists, researchers, families, and employees who advocated tirelessly on behalf of the protections offered by this legislation. They never let us forget

about the urgent need to enact GINA and the dire consequences of neglecting this issue.

There are too many individuals and groups to mention by name, but I do want to single out one individual in particular. Dr. Francis Collins, Director of the National Human Genome Research Institute, has been an important voice in this debate. Dr. Collins' groundbreaking work in advancing the science of genomics has led us to powerful new insights into the links between genes and common diseases such as diabetes, cancer, multiple sclerosis, and Crohn's disease. He has dedicated himself to securing Federal protection against genetic discrimination so that the American people do not have to fear discrimination because they have had genetic tests or participated in genetic research.

Every one of us stands to benefit from this landmark legislation. Genetic research is advancing at a remarkable pace. The sequencing of the human genetic code has already allowed doctors to develop better ways to diagnose, prevent, or treat some of the most dreaded diseases known to man. In 2007 alone, researchers discovered more than 70 gene variants associated with common diseases such as diabetes, cardiovascular disease, and cancer. Each of these discoveries suggests new options for both the treatment and prevention of these diseases. However, these exciting advances are being threatened by fears of genetic discrimination.

This concern has been communicated to me in hundreds of meetings, letters, and phone calls from constituents.

For example, a woman from Las Vegas who is affected by pulmonary hypertension, a continuous high blood pressure in the arteries that supply the lungs, wrote the following:

Life expectancy for PH patients who do not receive treatment averages 2.5 years, but with early, appropriate treatment, some patients are now able to manage their PH for twenty years or more. . . . GINA will allow patients with a family history of PH to pursue genetic testing and receive life-saving treatment without fear of related discrimination.

And a man from Las Vegas, who suffers from Polycystic Kidney Disease, PKD, a life-threatening genetic disease affecting the kidneys, wrote:

Fear of genetic discrimination keeps many PKD families from testing for the presence of the disease or seeking treatments that could prolong their kidney function. In addition, fear of genetic discrimination has adversely affected many clinical drug trials now underway in the PKD research field. These clinical trials desperately need volunteers to participate, but many with PKD are fearful their participation in such trials will be used against them by their insurers and/or employers.

For genetic research to fulfill its true potential, patients need strong protections against genetic discrimination. GINA will establish strong protections against discrimination based on genetic information in health insurance

and employment. As a result, patients can receive the best possible medical treatments without having to fear that genetic information will be used against them by their insurers or by their employers. The bill will also allow researchers to pursue the promise of genetic research by ensuring the confidentiality of genetic information by participants in clinical trials. GINA will enable all Americans to take full advantage of potentially life-saving genetic testing, and will pave the way for full realization of the promise of personalized medicine.

The House will soon take up and pass this legislation, and I urge President Bush to sign this bill into law.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Will the Chair let me know when I have 30 seconds left? I yield myself the remaining time.

Mr. President, I thank Senator BROWNBACK for reminding us about our bill dealing with Down's syndrome. It is a very worthwhile effort and one that is enormously compelling. I give him the assurance we want to work very closely with him. We are trying to get a counterpart in the House of Representatives and trying to get this done during this session. We thank him for his strong leadership in that area. He has been working on it for a long time.

Mr. President, we are in a new era of the life sciences, and the truth of that statement can be seen in fields from medical imaging, to new biologic drugs and even to the use of DNA technology to improve our environment and reduce greenhouse gasses. But in no area of research is the promise greater than in the field of personalized medicine.

With personalized medicine, patients will no longer have to receive treatments that work for the average person—but may not work for them. Instead, they will receive therapies precisely tailored to their own genetic makeup, with reduced side effects and far greater potency.

The cost of developing new drugs is likely to be significantly reduced. No longer will a potentially promising drug be consigned to a dusty warehouse because it fails to work well on average, if it has the potential to treat patients with a particular genetic condition.

A main barrier in the way of such extraordinary advances is the reluctance of patients to seek the benefits of this new science and the fear volunteering for this research.

Three stories recounted to the advisory committee on genetic issues at the Department of Health and Human Services make the point.

Tonia Phillips has the BRCA-1 mutation. He told the committee that based on her genetic risk for ovarian and breast cancer, she elected to have a hysterectomy and a prophylactic double mastectomy. Ms. Phillips works for a small company of just four people. After her surgery, the health insurance

premium for the company increased by \$13,000 year. Her employers asked her to switch to her husband's health insurance policy, and even offered to increase her salary if she would switch policies. She refused. The company then adopted a policy requiring employees to pay half their insurance costs. If GINA is passed, changing the terms of employment based on genetic information would be illegal.

Paula Funk, a 33-year-old mother from Arkansas, told the committee that of her 24 female relatives, 13 have developed breast cancer. She decided to pay out-of-pocket and be tested for BRCA-1 anonymously. She tested positive, had a prophylactic double mastectomy, and plans to have her ovaries removed in the near future. Paula and her husband opened their own computer business but were prepared to abandon their plans unless they could get a group health plan for their two-person company, because they knew she wouldn't qualify for individual insurance based on her BRCA-1 status. Her concern now is for protection against discrimination for her two young daughters, Audrey and Anna, who will someday have to make the difficult decision about being tested. If GINA is passed, Audrey and Anna would not have to fear losing their health insurance based on a BRCA-1 test result.

Judith Berman Carlyle, a 48-year-old woman with a family history of ovarian cancer, was afraid that she wouldn't be able to obtain health insurance if she tested positive for the variant of the BRCA-1 gene that is related to breast and ovarian cancer. Instead of being tested, she decided to have prophylactic surgery to remove her ovaries, believing that the surgery would be less likely to cause her to be dropped by her insurer. Later, having obtained health insurance, Judith decided to be tested for BRCA-1 before having a prophylactic double mastectomy. Her test was negative. If she had known this information, she might not have chosen to have her ovaries removed and might have opted for increased screening measures.

Earlier this year, the Pulitzer Prize was awarded for an extraordinary series of articles on the promise and challenge of this new science. One article dealt with the fears of discrimination faced by those who undergo genetic tests, and the measures they take to protect themselves. Those articles included new revelations about the harm caused by the fear of discrimination.

Victoria Grove, of Woodbury, MN, told how she concealed crucial information about her genetic tests from her doctor, for fear it would be used to deny coverage. As a result, she did not receive proper treatment for her lung condition.

Kathy Anderson's parents refused to let her be tested for a genetic condition that affects blood clotting, for fear of discrimination. When Kathy was pre-

scribed a common birth control pill, she developed massive clots—a life threatening illness that could have been avoided if she had had the genetic tests.

For Judith Carlisle, the consequences of not taking a genetic test were tragic. She has a strong family history of breast cancer, but was afraid that a genetic test to detect a particular gene mutation would provide proof to insurance companies and employers that she was a health risk. So she refused to take the test.

Still, she worried about the risks of cancer, so she had a hysterectomy to prevent that risk. Only later, when she took the gene test, did she discover that her fears had been misplaced. The test showed that she had no elevated risk of cancer.

We've also heard other stories in the years of debate on this bill.

Phil Hardt is a grandfather in Arizona with hemophilia B, a bleeding disorder, and Huntington's disease. His human resources manager told him to withhold that information from his employer, or he would never be promoted or trained. In addition, his grandchildren would be denied health insurance because the genes they might have inherited.

Rebecca Fisher is a mother and early onset breast cancer survivor with a family history of the disease. She recounted how her employer, a small, self-insured community hospital, was more concerned that the cost of her bone marrow transplantation and other health care had exceeded the cap for that year, than with her health or productivity as a worker.

Thousands of other patients who refuse to receive the benefits of this new technology have similar stories. The time for delay is over—and I urge my colleagues to pass this needed legislation.

I again acknowledge the great work and effort of my colleague and friend, Senator ENZI, the work he and his strong staff have provided. We know we would not be here without his strong commitment to this legislation.

This legislation was stuck for a time in the legislative cauldron of good works, but it was never lost. Through his efforts we had the good opportunity to work out some of the final differences and we have the opportunity to get it passed today. I am very grateful to him.

Senator SNOWE has been a long-time leader in this. Her leadership has been referred to and all of us who have been interested in this thank her for her long-time dedication and commitment to it.

I want to mention some of the other people and say a final word. Dr. Collins, who has been the leader of the Human Genome Project, has been such a strong voice in passing this legislation; Sharon Terry, the Director of the Genetic Alliance; Kathy Hudson, who works at NIH and gave us excellent technical assistance; Representative

LOUISE SLAUGHTER, who has a long-time commitment to this program—I thank her and Michelle Adams, who has worked with her; Representative JUDY BIGGERT and her staffer Brian Peterson; Shana Christup, Keith Flanagan, and Ilyse Schuman—all have worked with Senator ENZI, and I thank them personally for their strong help working with me and with our staff; Kim Monk and David Thompson with Senator GREGG, who was a strong supporter of this bill when he chaired the HELP Committee—I thank him; Pete Goodloe from Congressman DINGELL, Michelle Varnhagan from Congressman MILLER; Cybele Bjorklund, who worked with CHARLIE RANGEL and previously worked with us on our staff when we were fortunate to have her efforts here in the Senate; Kate Leone and Jennifer Duck had worked for Senator Daschle—they are not now here, but we acknowledge their work at an important time in this bill's history; Stephanie Carlton for Senator COBURN staff, her efforts are appreciated as well.

On my staff I thank Portia Wu, Lauren McFerran, Holly Fechner, Michael Myers, Laura Kwinn, and especially David Bowen. All have been invaluable.

This bill opens a new frontier in medicine, in which can read the genetic makeup of patients to stop diseases before they ever happen. This legislation opens the door to modern medical progress for millions and millions of Americans. It means that people whose genetic profiles put them at risk of cancer and other serious conditions can get tested and seek treatment without fear of losing their privacy, their jobs, or their health insurance.

It is the first civil rights bill of the new century of the life sciences. This is the era of life science, with extraordinary possibility over these next years.

With the passage of this legislation we take a quantum leap forward in preserving the values of new genetic technology and protecting the basic rights of every American. We will ensure that our laws reflect the advances we are making each and every day in medical science. The promise of new science will be in jeopardy if our laws fail to maintain adequate protections against abuse and misuse of private genetic information.

It was a hard-fought battle to get here. This bill has been the product of a decade of dedicated efforts by Members of both sides of the aisle. I am honored to work with many of my colleagues, particularly Senator ENZI, Senator SNOWE, and Congresswoman SLAUGHTER on this bill. I hope it will get overwhelming support.

AMENDMENT NO. 4573

(Purpose: In the nature of a substitute)

Mr. President, I call up the Snowe-Kennedy-Enzi substitute, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for Ms. SNOWE, for herself, Mr. KENNEDY, and Mr. ENZI, proposes an amendment numbered 4573.

(The amendment is printed in the RECORD of Wednesday, April 23, 2008, under "Text of Amendments.")

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I yield any time that remains.

Mr. ENZI. I also yield back any time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the substitute amendment is agreed to.

The amendment (No. 4573) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—95

Akaka	Crapo	Lieberman
Alexander	Dodd	Lincoln
Allard	Dole	Lugar
Barrasso	Domenici	Martinez
Baucus	Dorgan	McCaskill
Bayh	Durbin	McConnell
Bennett	Ensign	Menendez
Biden	Enzi	Mikulski
Bingaman	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Brown	Grassley	Nelson (NE)
Brownback	Hagel	Pryor
Bunning	Harkin	Reed
Burr	Hatch	Reid
Byrd	Hutchison	Roberts
Cantwell	Inhofe	Rockefeller
Cardin	Inouye	Salazar
Carper	Isakson	Sanders
Casey	Johnson	Schumer
Chambliss	Kennedy	Sessions
Coburn	Kerry	Shelby
Cochran	Klobuchar	Smith
Coleman	Kohl	Snowe
Collins	Kyl	Specter
Conrad	Landrieu	Stabenow
Corker	Lautenberg	Stevens
Cornyn	Leahy	Sununu
Craig	Levin	Tester

Thune
Vitter
Voinovich

Warner
Webb
Whitehouse

Wicker
Wyden

NOT VOTING—5

Clinton
DeMint

Gregg
McCain

Obama

The bill, H.R. 493, as amended, was passed.

Mr. KENNEDY. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President I wish today to applaud the passage of the Genetic Information Nondiscrimination Act. I am proud to be an original cosponsor of this legislation that prohibits health insurance companies and employers from discriminating against individuals based on their genetic information. I would also like to take this opportunity to commend Hadassah for their relentless advocacy over the past 11 years on this important civil rights issue. Hadassah is a founding member of the Coalition on Genetic Fairness and has been a leader fighting to outlaw genetic discrimination.

As a Senator from Maryland, the home of the National Institutes of Health and cutting edge companies like Celera Genomic, genetic testing and its implications for Marylanders and all Americans is especially important to me. This bill provides necessary protections so that people will take advantage of the potential that genetic testing can offer, without losing their job or their health insurance. Montgomery County in Maryland was the first county in the Nation to pass genetic nondiscrimination legislation. It has been a longer road for Congress. The Genetic Information Nondiscrimination Act was the first bill passed out of the Senate Health, Education, Labor, and Pensions, HELP, Committee in this Congress. I sit on the HELP Committee and we have worked on this bill since 1996. We have conducted five hearings on genetic discrimination and this bill has passed out of our committee three times. The Senate unanimously passed this bill in 2003 and 2005. It is time that this bill is signed into law.

Thirty years ago, the idea of mapping the entire human genome seemed liked science fiction. But we now have a map of it. Fifteen years ago, the thought of testing individuals for a genetic predisposition to an illness seemed decades away, but here we are in 2008 with the technology and knowledge to do that. Someone with a genetic predisposition for a disease could begin preventive measures in diet and lifestyle, years before symptoms even appear.

But with this new technology comes responsibility—the responsibility to protect the people that these technologies seek to help. What good is knowing that you have a genetic predisposition for diabetes if you lose your health insurance because of it? How does knowing that you may be more

likely to develop breast cancer help if you can't get a job because of this information? Individuals should also have the information they need to make informed decisions about whether to get a genetic test.

A person must not be denied insurance coverage or employment based on their predictive genetic information. That is why I support this strong, enforceable genetic nondiscrimination legislation that establishes meaningful remedies for individuals and their families—remedies which act as powerful disincentives for insurance providers and employers to discriminate. I am proud the Senate has acted to help ensure that individuals can choose to get genetic tests that could help save or prolong their lives, without fear of discrimination in the workplace or by health insurance providers. We need to make sure the information from genetic testing reaches its true potential: that a woman can be screened for a genetic predisposition to breast cancer or a man can be screened for his risk for a heart attack without fear of their health insurance premiums rising or losing their jobs.

Again, I want to thank Hadassah for all of their hard work on preventing genetic discrimination and I also want to thank Senator SNOWE for her leadership on this bill.

The PRESIDING OFFICER. The Senator from Michigan.

MORNING BUSINESS

Ms. STABENOW. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each and that the following Senators be recognized in the order listed: myself for 15 minutes, Senator HATCH for 10 minutes, Senator TESTER for 7 minutes, Senator ISAKSON for 15 minutes.

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

The Senator from Michigan.

REPUBLICAN FILIBUSTERS

Ms. STABENOW. Mr. President, I rise to express my deep disappointment and concern about last night's vote on the Lilly Ledbetter Fair Pay Act. Unfortunately, colleagues across the aisle voted to block us from considering what is an important bill that relates to fairness, fair pay, equality, and recognition of the hard work of women all across this country. We weren't even allowed to bring this to the floor of the Senate to begin the debate. It wasn't only about pay discrimination; it was about fundamental fairness for working families, as so many of those working families are headed by women. The vote last night sends the wrong message to families who are struggling to stretch their paychecks to pay for higher gas prices, groceries, health care costs, all of the things they need to survive and care for their families, childcare costs, on and on and on. Voting

to block this bill from even coming up for consideration says to these women and their families that this body does not understand and is not on their side when they have been treated unfairly or taken advantage of on the job.

I am proud of the fact that Senator REID, our majority leader, saw fit to bring this bill forward as a priority in the crush of time we have to consider legislation in the Senate. I am proud of Senator KENNEDY for his passion and leadership in bringing this bill out of committee and fighting so vigorously, and all of my women colleagues who came to the floor to stand up for women across America. Unfortunately, we were stopped from even proceeding to the bill. I am hopeful at some point we can come back and colleagues on the other side of the aisle will decide, rather than turning their backs on millions of women across the country, that they will join us in doing what is right to guarantee that if a woman is working hard every day, putting in the same amount of hours, lifting the same boxes and doing the same kind of work, she will know she is protected and feel confident the law is on her side that she will receive equal pay.

Unfortunately, this is not an isolated vote. This has been a pattern. We have spoken many times about what has been happening in the last year and a half. We now have seen 68 Republican filibusters. We had a filibuster that stopped us from proceeding. We have a fancy title for it, called a cloture vote on a motion to proceed. But the reality is, Republican colleagues on the other side of the aisle have filibustered our ability to move forward on equal pay for women in the workplace. This is one of 68 different times in the last year and a half that we have brought forward something critically important to families, from extending unemployment insurance to addressing health care, education, and economic issues, focusing on those things that directly affect families every day.

We know around here the way the rules work. You can filibuster and you can stop something if you don't have 60 votes. Unfortunately, we don't at this time have 60 votes to stop filibusters. There have been so many that we have put this on a board with Velcro so we can change it. We have to change it way too many times, because this number goes up every week. We are now at 68. This is an historic record in the Senate that we would see this many filibusters to block moving forward an agenda for change that the American people are desperately asking for.

We will continue to bring these issues forward that are absolutely critical. We will continue to bring forward areas of investment in the future and creating jobs and tackling health care costs and access and children's health insurance and quality education and tax fairness and all of these other things that are so critical for the American people—fair trade, so that we are exporting products and not jobs.

We are going to continue to bring this forward. But we are going to continue—unfortunately—to see this number go up. It is important the American people understand what is happening.

Now, we also, earlier today, saw something else happen—it did not quite come to the point of blocking in terms of a motion to proceed but efforts of delay, waiting, obstructing, over and over again. Earlier today, we passed a bill to help our Nation's veterans by almost a unanimous vote. We should be proud of having done that on a bipartisan basis. But this bill was reported out of committee last year. It was blocked for 7 months—7 months—by colleagues on the other side of the aisle. Then we had to spend a week trying to get this bill done. There was the procedural motion, again, to force us to vote on whether to even consider the bill, and then that vote was unanimous—unanimous. Yet that vote was forced so the time would run so we would slow-walk a bill we have been waiting to take up for veterans and their families for 7 months.

People expect better from us. I am very hopeful we will come together and begin to see the change the American people want to have happen and be the focus of this body.

Mr. President, I will speak for a moment about the Lilly Ledbetter Fair Pay Act because this issue of equal pay, of fairness in the workplace, is not going to go away. We are going to come back and we are going to come back until we get this Court decision fixed.

Lilly Ledbetter was one of the few female supervisors in a Goodyear tire plant in Gadsden, AL. She got up early in the morning. She sweated throughout long shifts, which often stretched to 18 hours or more when another supervisor was absent, just like her male counterparts. For years she endured insults from her male bosses because she was a woman in a traditionally male job.

Late in her career with the company, Lilly discovered that Goodyear paid her male counterparts 20 percent to 40 percent more than what she earned for doing the very same job for all of those years. She filed a lawsuit, just as she should have, and the jury awarded her full damages.

She was right. This was against the law. This was unfair. We need to value work and value equal work. The court sided with her.

However, the Roberts Supreme Court overruled the jury, stating that Ms. Ledbetter was not entitled to anything because she waited too long to file her claim. The Supreme Court ruled that victims of discrimination have only 180 days of the last discriminatory raise to file a lawsuit for discrimination—even if they did not know about it, even if they knew nothing about it.

So in Lilly Ledbetter's case, it did not matter that her employer discriminated against her for years and that she had been, for years, paid less than her male counterparts. Instead, the

Roberts Supreme Court reversed decades—decades—of precedent and the intent of the law. It also overturned the policy of the EEOC under both Democratic and Republican administrations.

After the Ledbetter case—until we fix this—workers are powerless to hold their employers accountable for unlawful, unjust, unfair, unequal conduct. It creates an incentive for employers to discriminate against workers because now if they can hide the discrimination for just 180 days, then they are home free and the worker can do nothing about it.

The Lilly Ledbetter Fair Pay Act will fix this injustice and put Federal law in the same place it was the day before the Court decision. This has been American law. It has been American law about fairness and equal pay. All we are trying to do is reverse this extreme decision of the Supreme Court and put it back in current law.

The economic impact of unfair pay practices on working families is staggering. Today, women still make 77 cents for every \$1 men make. In Michigan, it is even lower: 70 cents for every \$1.

The current job climate has been particularly hard on women and people of color all across America. The unemployment rate for women has risen sharply, and their wages are falling faster than men's. For people of color, the unemployment rate is even higher. African Americans' unemployment rate is almost twice the national average. The Lilly Ledbetter Fair Pay Act would help correct this unfairness, this disparity.

Just as important as upholding the rights of women, the Fair Pay Act is needed because the Ledbetter case would affect all kinds of discrimination cases. At the end of the day, it simply puts the law back where it was and creates the opportunity for fairness and equality.

Let me say that when a woman goes to the store in Michigan, she does not pay less for milk. When she goes to the gas station, she does not pay less for gas. She does not pay less for the food or the electric bill. She does not pay less in any area. Yet until we fix this outrageous Supreme Court decision, she can be paid less for the very same job.

Mr. President, let me also say a few words about the bill we passed earlier today for veterans. That bill was almost unanimously passed, despite being held up for 7 months.

For too many of our servicemembers, that last day on Active Duty is just the first day of a difficult transition back to civilian life.

Our veterans deserve every benefit they get, and more. But too often our veterans return home to find out their insurance is inadequate or it is very hard to figure out their educational benefits because they are spread out over numerous different agencies.

Perhaps most important, under current law, our permanently disabled vet-

erans who are recovering from injuries cannot even count on the Federal Government to help them finance necessities such as wheelchairs or wheelchair ramps for their homes.

When the men and women of our Armed Services put on the uniform, they are making a promise to defend America. In return, we promise them that a grateful nation will be there for them when they come home. What they do need—and what we owe them—is a system that works for them, not against them.

That is why the Veterans' Benefits Enhancement Act that was just passed today is so critically important. It addresses many of the problems that plague this difficult transition to stateside life and provides necessary improvements to education and health care and insurance programs.

This bill would expand the number of individuals qualifying for retroactive benefits for traumatic injury protection coverage. This is important for all of our veterans because we are now learning that this kind of injury is happening more often than we thought, and it can have a devastating impact.

Just last week, a new veterans center was opened in Saginaw, MI. This center will not only assist our veterans returning from combat but will also serve our veterans from as far back as World War II—the war my father fought in. These veterans should also be eligible for benefits if they are victims of traumatic brain injury.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Ms. STABENOW. Thank you, Mr. President.

The act would expand eligibility for home improvement and structural alteration assistance. It would also improve survivor benefits for the surviving children of our service men and women and a number of other things.

I am glad we passed this legislation. I am sorry it was held up for 7 months, and then all this week there was obstructionism and delay before we could get to it. But I am glad we got it done.

I am deeply disappointed that earlier this week we saw another filibuster that stopped us from proceeding to an equally important bill, and that is a bill that relates to equal pay and protection under the law, when women are working hard every single day and find themselves in a situation where they are receiving less than male counterparts for the same job. It is wrong. It needs to be fixed for the women of America and their families.

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

Ms. STABENOW. Thank you, Mr. President. I look forward to the opportunity to bring this to the floor again, and, hopefully, we will be able to get it done.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be granted up to 15 minutes for my remarks today.

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

ALLEGED FILIBUSTERS

Mr. HATCH. Mr. President, I have a great deal of appreciation for the distinguished Senator from Michigan. I know how sincere she is, and I know she feels very deeply about what she has just spoken. But this business of 68 clotures is hitting below the belt.

Time after time, the majority leader has filed bills—many of which have not even gone through committee, have not had 1 day of hearing, some of which have been filed for political purposes just to create tough votes—and then filed cloture immediately.

In the old days—I have been here almost 32 years—nobody did that. Then they call it a filibuster when they are the ones who filed cloture just for the purpose of being able to say there is a filibuster.

Almost invariably the bills that are good go through. Republicans will object sometimes because we want to be able to offer at least germane amendments. In this body, we have, in the past, even been able to offer non-germane amendments. But that is a no-no right now because the majority is concerned some will bring up amendments that might be embarrassing to the majority.

Well, having talked about “embarrassing to the majority,” why do you think the Ledbetter case was brought up through this statute? First of all, it did not have 1 day of hearings, as far as I know. It certainly was not put through a committee. It was brought up under rule XIV—which is a right to do—and then the bill itself was classically poorly written.

The fact is, this bill would have done away with the statute of limitations and made it almost impossible for any business to defend itself even in class action lawsuits. But it was brought primarily because the friends in some areas of the plaintiffs' bar wanted it brought so they could bring more suits in our society.

But to basically do away with the statute of limitations so that you could bring suits 10, 15, 25 years later, when all of the documentation is gone, the witnesses are gone, there is no way the company can defend itself, and it is an automatic slam dunk for plaintiffs' lawyers—some plaintiffs' lawyers, because most great plaintiffs' lawyers are not going to play this game—and then call that a good bill, there is something wrong with it.

With regard to the veterans bill—my goodness gracious. Let's think about this. With regard to the veterans bill, we are all for veterans—every last one of us. But, again, cloture was immediately filed. We were not able to bring up amendments. Finally, in the end, what did we do? We spent all day yesterday doing nothing in order to accommodate two Presidential candidates on the Democratic side. Now, I

have no problem with that, with that accommodation, but we could have worked all day yesterday on the veterans bill and scheduled that vote the same time at the end of the day, as we did. But it was basically a wasted day in the Senate, other than hearings that might have gone on. To waste a whole day and then blame us for it, that is not right.

We all know why the Ledbetter bill was brought up. In many respects, it is just to score political points or it would have gone through the committee. Had it gone through the committee, had we done a good statute of limitations change, had we made some other changes that make sense in the law, I think we would have passed a bill that would have made Lilly Ledbetter at least realize that her actions were not in vain. But the way it was done looks to me as if it was done for political purposes and to score political points. We could have worked it out. At least I think we could have worked it out. But there was not even a chance to do that.

Let me just say this: I believe we have too much of this business that every time the majority files a bill and then files a cloture motion, they then call us filibusterers. That is not right, and it is not true. Frankly, we all know it is not true.

(Ms. STABENOW assumed the chair.)

AIR FORCE LEADERSHIP

Mr. HATCH. Madam President, we live in cynical times, and today I want to address that cynicism; namely, a small number of media reports that, some have suggested, call into question the command abilities of the senior leadership of the U.S. Air Force.

In addition, I was dismayed to learn that a Member of the Senate has compounded these misrepresentations by recently authoring a letter that makes inaccurate assertions about matters that have already been dealt with by the proper military authorities and investigated by the inspector general of the Department of Defense.

Let me address the underlying matter directly. It has been my privilege and honor to represent the people of Utah in this august body for now more than 31 years. During that time, I have had the pleasure to meet many of our Nation's military leaders, their families, and, of course, military period. However, I can say without reservation the current generation of Air Force leaders is among the finest I have ever known in all my years in the Senate.

Under the steadfast and capable leadership of Secretary Michael Wynne and GEN Michael Moseley, the leaders of our Air Force are resolute in the defense of this country, tenacious in their support and care for the young men and women who serve under them, and dedicated to modernizing the ancient—or should I say aging—equipment of their force.

These are leaders to be proud of, not criticized the way they have been.

They are leaders to have confidence in. They exemplify the Air Force's unofficial motto: "Nothing Comes Close." They are the rightful heirs to the title: "The Right Stuff."

This does not mean errors do not occur. In any organization, especially one with more than 350,000 service-members, some will make mistakes, a few will veer from the straight and narrow; and, sadly, a tiny minority might even betray the public trust. That said, I believe the true measure of military leadership is not to wipe away every possible temptation and sin of mankind; it is to create a culture where malfeasance, once identified, is dealt with firmly, swiftly, and justly.

For example, the current Air Force leadership met this standard when it was recently tested by the wrongdoing of a civilian official during an initial attempt to replace our Nation's aerial tankers that are, on average, 47 years old. Once Senator McCain brought this malfeasance to the attention of the Air Force, the service responded by holding accountable those responsible. These individuals were prosecuted to the full extent of the law. Yet from that troubled time, the current Air Force leadership rallied and conducted one of the most transparent, open, and fair procurement competitions in recent memory. That is stuff of which real leaders are made.

I was also disappointed to read the characterizations of some press reports regarding the speech given by Secretary of Defense Robert Gates during his trip on Monday to the Air War College. When one reads some of these reports, one could only conclude that Secretary Gates was issuing a rebuke to the Air Force's leadership. This is most perplexing. Although I have not spoken to Secretary Gates about his speech, I have read the official transcript. My impression of his address was that Secretary Gates was not issuing an admonishment—not at all. In fact, I believe the Secretary was seeking to do what all good Secretaries of Defense strive to obtain: a more effective and efficient force through new and creative thinking.

Now, this conclusion is ironically bolstered by later reports from the same news service that published the initial reports I find so puzzling. These later reports quote the Pentagon press secretary as saying one of the major alleged reproaches was not directed at the Air Force as a service, but to "the military as a whole."

As I said earlier, we live in cynical times. Unfortunately, it has become customary for many in political circles to hurl unfair and even untrue criticisms at one another. One could argue this is the price of a vibrant democracy. However, this sort of behavior is unbecoming when it wrongly distracts our military leaders, especially during a time of war.

The Air Force leadership, under Secretary Wynne and General Moseley, has done an extraordinary job of pro-

tecting our Nation and supporting our other armed services in this war on terror. I, for one, am thankful we have such leaders in positions with such heavy responsibility. So today I rise to thank them. I thank Secretary Wynne. I thank General Moseley. They are thanks I believe they deserve from the entire Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator would withhold.

Mr. HATCH. I withdraw that.

The PRESIDING OFFICER. The Senator from Montana is recognized.

VETERANS' BENEFITS ENHANCEMENT ACT

Mr. TESTER. Madam President, I wish to commend Chairman AKAKA on the legislation that was passed in the Senate earlier today, S. 1315.

This bill makes a number of commonsense improvements to the benefits packages we offer America's veterans. I am pleased to have voted for this bill as it came out of the Veterans' Affairs Committee. I am also pleased to have supported it on the floor today. It is long past due to give our disabled veterans the ability to purchase affordable life insurance. That is what this bill does. It provides up to \$50,000 in life insurance for any veteran younger than the age of 65 who has a service-connected disability.

The bill also adds a host of new benefits to help critically injured service men and women get their households refurbished if they become disabled. That can mean putting in wheelchair ramps, remodeling a kitchen or a bathroom, and countless other chores. Again, it is a small measure, but for a soldier who has lost an arm or a leg or a marine who has suffered severe burns, it means the world.

It is long past time to increase burial benefits to help families deal with the growing costs of providing a final resting place for their veteran loved ones. This bill does that by authorizing double the current allowance for the burial of a veteran who dies from a service-connected disability to \$4,000. It also triples the \$300 benefit for nonservice connected disabilities. With the average funeral cost now around \$6,000, this is a small gesture to the loved ones of our veterans, but it matters a great deal.

At a time of record national debt and chronic annual budget deficits, I am particularly pleased this bill is deficit-neutral. It does not increase taxes.

With all the good in the bill, it is little wonder the Veterans' Benefit Enhancement Act is supported by every major veterans service organization. This bill passed out of the VA Committee unanimously last summer, and I am pleased by the bipartisan support it got today. We now need to turn our attention to the veterans health care legislation that I am told will follow this bill. Our Nation's veterans deserve nothing less.

When our children sign up for military service, whether they do it at a local recruiting office or by going to a service academy or anything in-between, we make a deal with them. We ask them to put their lives on the line. We ask them to serve and to sacrifice at an increasingly difficult pace. We ask them to fight wars. We ask them to keep peace and to keep our Nation free and they go. They go and they do a better job than any other military in the world. In return, we promise that when their service is over, we will care for them and compensate them if they have been injured in their service to our country. With our Nation now at war, we have a great moral obligation to do right by the men and women who serve our country in harm's way. This legislation helps keep the promise to our veterans.

One other point I wish to add that relates to what the senator from Michigan and the Senator from Utah talked about. I have only been here for 15 or 16 months, but I will tell my colleagues that one thing I have noticed and one thing that has surprised me over the last year and a quarter is we debate whether to debate all too much. The fact is, whether we agree or disagree on an issue, what is important is we have an opportunity to vote on an issue—to make our stand and vote on an issue.

What happened last week was a prime example, where we had a transportation bill—corrections to a transportation bill—and we spent all week because it was being delayed and delayed. I sat in the chair last Thursday night when the majority leader, the Democratic leader, came down to the floor and said: I have to file cloture on this veterans' bill—the one we passed—because I have approached the minority and they have not gotten back to me and I do not want to take the chance of wasting a day.

We have work to do here. We have done some good work today, and I hope we can have many more days such as today, where we can vote on legislation that impacts the people of this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

HEALTH CARE

Mr. ISAKSON. Madam President, I rise this afternoon to talk for a few minutes about health care in America—the cost of health care in America, the access to health care in America, and to talk prospectively about the first 4 years of the next President of the United States. It is pretty obvious, because of the complexity of health issues and because of a political cam-

paign year, we are not going to get to a resolution this year.

It is obvious our country has a crisis. It is obvious we have to move forward. It is obvious to me that whoever the next President of the United States is, the very first thing they are going to have to tackle is affordable, accessible, and quality health care.

The health care issue is one that has a million angles to it. I am not going to talk about all those angles today. Secondly, I am not going to stand up here and tell my colleagues that I think I have all the answers. However, I do think it is time that all of us who have said: Well, I am not for government-provided health care—that is not good enough. If you are not for it, you have to be for something. You can't have the easy way out. There have been a lot of people who say: I don't want single-payer health care; I don't want the Government to do to health care what they did at the IRS, but I don't have any good ideas.

It is time we came up with some good ideas. We are going to have to do what is maybe different and philosophically and politically challenging to Republicans and to Democrats. But first what we ought to do is look to successes around the country that have solved some of the cornerstone issues in terms of the costs of health care.

One of those is the cost of medical malpractice and what is commonly called tort reform. The minute a politician mentions tort reform, they get everybody's attention, but in particular, a trial lawyer's. I am not a trial lawyer basher. Some of my best friends are trial lawyers. I always tell people: Everybody hates lawyers, but they love their lawyer. When you need a lawyer, you want a good one. I wish to bring a perspective to the tort issue as it deals with medical malpractice to try and point out there have been solutions found—solutions that do not prohibit an injured person from being compensated for the damages that were caused to them, while at the same time quantifying and capping at a predictable amount for those actuaries the cost of what these runaway awards have been doing to us.

We have tried on the floor of the Senate, on more than one occasion, to address this, in part. We tried with legislation in the 109th Congress to limit or to cap noneconomic damages in OB/GYN cases. The reason we targeted OB/GYN and obstetrics cases was because they consistently have runaway insurance premiums; we consistently have problems in our States where there are not enough doctors to deliver the babies for families in our communities because there are not enough doctors who can afford the medical malpractice insurance as it rises.

Unfortunately, we never passed that in the Senate, although in two different amendments we tried. In my judgment, it would have helped with the situation. Today, I want to talk about a good example from my State of

Georgia and about some things I think we can do in the Congress.

In 2005, our State Senate in Georgia passed a Senate Bill 3, by a vote of 39 to 15, and it went to the house and passed by a vote of 136 to 34. Obviously, it was bipartisan. We have had 2 years' experience with that bill. The experience has demonstrated what we had hoped it would: No injured person was aggrieved or denied coverage or recovery, but the cost of health care on medical malpractice became more predictable and rates stabilized.

The points in that bill that passed in Georgia are precisely the points we ought to look at in terms of the Federal court system. Point No. 1, eliminate joint and several liability in a medical malpractice case. For those who may not know what that is, it means if somebody is injured, or alleges they have been injured, and they file suit against the person who injured them, in the normal course of our litigious society, they also sue everybody else who is even remotely related to that particular situation. I was a real estate broker in Georgia. If we sold a new house to a family and the first time it rained after they moved in the basement leaked, they sued the builder, but they sued me, too, so they had a wide sweep to try to recover. I understand that. There are times when joint and several is appropriate, because sometimes more than one party in an injured class situation is involved in the injury and should be held accountable. But to summarily make joint and several apply without any conditions is wrong.

What we put in the Georgia law was that the plaintiff must identify a single defendant in the suit, unless he proved clearly and convincingly that the hospital or the physician and others in the system were also negligent. That is not unreasonable. We want to make sure that if somebody is injured by a doctor, they can recover. But then to hold the hospital, or the hospital authority, or the county health authority liable, when they were not part of the procedure, we don't think that is right. That is one of the reasons you have a tremendous cost of malpractice insurance.

Second, to strengthen expert witnesses, who are critical in any court situation where you are trying to prove damages. But experts ought to be experts. For example, if you have a traumatic brain injury, the expert testifying on behalf of the plaintiff and the expert testifying on behalf of the defense ought to both have neurological training. It is not right for a dentist, who happens to be an MD, to testify in a neurological case. So by putting in requirements in terms of witnesses, you establish a situation where you have clear, responsible testimony, and you cannot use a "quasi" person to give you irresponsible testimony.

Third, limit liability for emergency department physicians and personnel. I want to talk about this for a minute. Talking about Georgia again, we have

Grady Memorial Hospital in Atlanta, one of the largest public hospitals in the United States. It was on the verge 6 months ago of closing because almost everybody who goes there is indigent or a nonpaying customer. They may be on Medicare or Medicaid, but in every accident that happens on the freeway system there, they take the injured to that trauma center. It is the largest burn center in the Southeast. Grady Memorial Hospital is losing so much money that it was on the verge of bankruptcy. The community has come together, with volunteer citizens such as Pete Corell and Tom Bell in our city, who deserve tremendous credit. They created a nonprofit organization to take over the organization of the hospital and raise capital, and I believe we are going to save that great trauma center and that great hospital.

Frankly, they operate under terrible circumstances in that trauma center. To have the type of liability in a trauma center that people want to hold you accountable for today with medical malpractice liability, with no Good Samaritan laws for those people isn't right. If somebody is brought in after a tragic wreck and there are not qualified exceptions for a physician to treat that person, you are never going to have the type of immediate response care that you need. You don't have the time to practice defensive medicine in a trauma situation, which, by the way, I will get to defensive medicine next. It is one of the contributing causes to the cost of health care. Defensive medicine is practiced primarily because of the court system.

I had a problem a few years ago. I went to the doctor and they said, well—they gave me this and it didn't work, so they gave me that and it didn't work. So they gave me a full-body CT scan. I had a swallowing problem. I wondered why they did a full-body CT scan. He said he wanted to be sure he had done everything he could. He had to practice defensive medicine, when a scan from the chest up would have been fine. That is one of the reasons you have runaway malpractice awards and the litigious nature of our society. It is a skewed system and you have costs running through the roof.

We need to elevate the burden of proof from the "preponderance of the evidence" to "clear and convincing evidence." We did that in Georgia 2 years ago. I don't know about you, but if I am accused of something, I don't want somebody to decide because the preponderance of the evidence said I was wrong; I want it to be clear and convincing. That is the way it ought to be, in terms of medical malpractice as well.

Then the real hot potato—the one everybody goes ballistic on—is talking about capping noneconomic damages. Georgia did something unique. They capped noneconomic damages at \$350,000. That is the pain and suffering. Noneconomic means if you were injured, all the costs of that injury, the

costs of the treatment and the corrective treatment, and all the economic losses you have, you get all of that. Noneconomic is when they add on another penalty to the guilty person for the pain and suffering. Georgia capped it at \$350,000. They gave an overall cap of \$1.050 million, allowing the judge to lift the \$350,000 if the evidence in the court case proved a higher damage was necessary. That is the point I want to address in the Federal court law.

I have three children. My second son, Kevin, in 1998 was in a terrible automobile accident in rural Georgia. He was on a camping trip with a 16-year-old buddy. They were going down a country road in Greene County, 2 a.m. in the morning—which is another subject I will get to as a father later on—and a deer crossed the road. A deer will stop in the headlights. The deer took off. My son was a passenger, and the driver decided to follow the deer rather than the road, hit a ditch, and my son went through the front windshield. He had four operations. He had to get grafts, bone marrow treatments, and he had internal infections. He has more metal in his right leg than I have in my automobile. The doctors put him back together. Making the case about litigation, I have to tell you that was a case where my son was hurt and there was negligence. I was angry. In Georgia, we have something called no-fault insurance, which means you have \$15,000 in coverage, which covered the emergency room, and there is no more coverage. Everybody is on their own. But we had obvious negligence. In that case, fortunately, the young man who was driving, who was negligent—his father, although he had minimum coverage for the accident, had a general liability policy. He said: My son was wrong and your son is going through terrible pain. Let's sit down and go to my insurance company and negotiate, through a professional arbitrator, what is the right general liability award for your son. We did that. We negotiated it and used an index of nationally approved negotiators, in terms of what damage would have been right. We agreed to it and my son still has that reserve in case he has further complications from the damage done. No liability responsibility, but a cost that was appropriate for the injury, rather than gained through a court case and a litigious action.

It is my personal opinion that we should cap noneconomic damages in the Federal court and medical malpractice in the following way: Change the current law. The current law allows a judge to reduce the amount of the award if he doesn't think it was right. The judge can reduce it. I think we ought to cap liability on medical malpractice at a million dollars for the noneconomic damages, but then say the judge can lift that cap if the evidence in court proves gross negligence. That changes the dynamics of litigation. Instead of suing and going for big bucks because you can, you will realize

that the burden of proof is to justify the big bucks based on your circumstances and the facts of the case, and you don't intimidate people into negotiating high settlements. Instead, you put the burden on clear and convincing evidence, which, in my case, as I have said, is the only way to go.

Medical malpractice is certainly not the only cause of the higher costs of health care in America. Solving medical malpractice costs doesn't address all of the other factors, but it is a component part. I am willing to sit with others and talk about all those other things we beat our gums about but never do anything about that are components of the cost of health care.

I will talk about what we need to do in terms of Medicare eligibility. When somebody signs up for Medicare when they are 65 years old—you are supposed to go in 90 days before your 65th birthday; I am getting close, so I am looking at these things—I think you ought to be required to execute a durable power of attorney when you become eligible. Eighty percent of the cost of health care to me, to you, and to anybody else happens in the last 60 days of life. More often than not, people are not in a condition to make a decision for themselves. Because of laws, and because we are a compassionate nation, the physician will keep you alive as long as he can. If you had a chance, you might rather say if I am being hydrated and given nutrition but will never become conscious again, I give the doctors the authority to make the appropriate medical decision. The money that would save is in the "gazillions" of dollars—if there is such a number. It would help us to manage that cost.

Secondly, we need accountability on the part of the American policyholders, and wellness and disease management. My second son's father-in-law is a Swede. He came to America and now lives here full time. He bought a medical insurance policy independently, because he is retired. About 6 months ago, he called me and we went out to dinner. He ordered a salad, broccoli, and asparagus, and he didn't put any sugar in his tea. I said: What are you doing? What kind of a diet are you on? He said: It is my health insurance, not my diet. My policy will go up to \$500 a month if I don't get my cholesterol below 200. His vital signs are a component of health care and, if he wasn't taking care of himself, he would pay a higher premium for the benefits he needed. We need to look at disease management and wellness and accountability.

I came to the floor to talk about what is going to be the biggest issue in the first term of the next President, the biggest crisis. If I am fortunate enough to win reelection in 2010, the Nation's Medicare system is going to be broke before I leave the Senate. This is not an issue we need to talk about in the future. The time is now. It is time for good men and women of both political parties to put all of the issues on

the table and not just talk about what they are not for but start talking about the solutions that can make a difference in the quality, accessibility, affordability, and health care for the people of the United States of America.

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. DURBIN. 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.

WORLD FOOD CRISIS

Mr. DURBIN. Mr. President, the world is facing a global food crisis, and it is growing worse by the day. Each morning, we see a new front-page headline reminding us of the urgency of the situation. It threatens not only the health and survival of millions of poor people around the globe, many of them children, but it also threatens the stability of governments in some parts of the world where hunger and food shortages are most acute. It threatens global security and even our own national security.

The world food crisis is a human catastrophe. Families are suffering. Mothers and fathers are struggling to feed their children. A recent New York Times story described a father in Haiti's capital city, Port-au-Prince, whose children had recently eaten only two spoonfuls of rice apiece one day and nothing the next day. The father said in this interview:

They look at me and say, "Papa, I'm hungry," and I have to look away. It is humiliating. It makes you angry.

Three-quarters of the people in Haiti live on less than \$2 a day, and one in five children is chronically malnourished. People are desperate for nourishment of any kind.

The New York Times story went on to say that one booming business amid all the gloom is the selling of patties made of mud, oil, and sugar, typically eaten by the most destitute.

One Haitian man said:

It's salty and it has butter, and you don't know you are eating dirt. It makes your stomach quiet down.

Mr. President, I said last week that we were on the brink of a humanitarian crisis, and I am afraid we have crossed that threshold. We are now witnessing that humanitarian crisis. World Bank data shows global food prices have jumped 83 percent in the last 3 years. These are the average commodity prices paid by the non-governmental organization CARE.

CARE is known around the world. CARE packages, after World War II, became a symbol of American caring and a symbol of international compassion. CARE is paying more and more for the food they buy. In just a brief period of

time—from December 2007 to April 2008—the costs have gone up dramatically in sorghum, in wheat, rice, peas, lentils, and vegetable oil. This chart really tells the story of what has happened in just 4 months. Other data shows wheat prices have tripled in the last 3 years. Poor families in Yemen are spending more than a quarter of their income just to buy bread for their children.

The price of rice has tripled in just the last 18 months. There is even rationing of the sale of rice in the United States. You may have seen the papers this morning. Some major warehouse-type operations are limiting the amount of rice Americans can buy. In Bangladesh, a 2-kilogram bag of rice—a little over 4 pounds—which might feed a small family for a couple of days now consumes about half the daily income of a poor family. In the Philippines, hoarding rice is now punishable by life in prison. In rural El Salvador, the World Food Program estimates that rising food prices have cut the caloric intake of the average meal 40 percent from 2 years ago.

The World Food Program is the food aid branch of the United Nations and the world's largest humanitarian agency. It operates in about 80 nations, providing food to about 90 million poor people a year. Two-thirds of them are kids. Because of rising food prices, the World Food Program can afford to buy only 50 percent of the food for school-children that it could purchase a year ago.

This is the worst global food crisis in more than 30 years, since the Arab oil embargo in the early 1970s caused sharp spikes in world food prices. The blue shaded areas on this map show 36 nations on four continents now facing a growing risk of hunger and the social unrest that comes with it. The flames indicate places where riots or protests are already taking place. It may not be easy for those following this to see, but if you can imagine, almost one-fifth of the world's countries are facing a food crisis, and many more are facing protests and demonstrations. In Africa, 21 countries are unable, for a variety of reasons, to meet their own food needs. In Asia, nine countries are facing food shortages; four Latin American nations; and in Europe, food shortages in Moldova and Chechnya. The list of these countries is here, and it is a long list. It shows you how this is stretching across the world, particularly in the poorer sections.

Aid organizations are seeing these effects on the ground. CARE staff with 20 years' experience in the field say they have never seen a situation this bad, and there are no immediate prospects for relief.

Last week, U.N. Secretary General Ban Ki-moon described the world food situation as having reached emergency proportions. He and World Bank President Robert Zoellick have warned that the food crisis "could mean 7 lost years in the fight against worldwide poverty."

We spend a lot of time on the Senate floor talking about security, especially in the context of Iraq. But security is not won or lost only on the streets of Baghdad or on the battlefields of Afghanistan. Security is at stake in the bread lines of Egypt, the rice markets in Thailand, and the withering cornfields in Zimbabwe. The global food crisis is also a looming security crisis, one that threatens the stability of many already fragile governments. Pockets of fierce protest could trigger outbreaks of sustained violence, even war.

Referring to the same chart, the flames on this map show what has been experienced over the last 16 months in terms of riots and demonstrations.

Haiti and Egypt, two nations where food prices have doubled in the last 2 years, have already seen violent unrest linked to these soaring food prices. Here are photographs of recent food riots, one in Haiti, another in Egypt.

Just a word. I went to Haiti a few years ago with former Senator Mike DeWine of Ohio—my first visit. I had been prodded into going there because I traveled to Asia and Africa, and someone finally said: Why do you travel so far looking for the worst poverty in the world when it is in your backyard, on the island of Haiti? So I went there, to the island of Hispaniola, which has Haiti and the Dominican Republic, and they were right. I had never seen worse poverty anywhere in the world, and it is in our backyard. And now these people are digging through a dump trying to find something to eat in Haiti.

Here, in Egypt, they have two lines of troops holding back a food riot that occurred there.

Haiti recently ousted its Prime Minister after days of violent protest over soaring food prices. Nine thousand U.N. peacekeepers were ordered recently not to fire on civilians as widespread looting and shooting continued.

In Egypt, the Government has had to dispatch riot police to break up food protests. The military has even been put to work baking bread in an effort to prevent even more anger over soaring food prices.

Senegal is regarded as one of Africa's most stable democracies, but even there, rising anger over food prices is directed at the Government. Recent demonstrations in Senegal turned violent as police in riot gear struck and used tear gas against protestors who were protesting for food.

Parts of India were enduring riots over the high cost of rice as far back as 6 months ago.

Recent history reminds us how closely our security is linked to the security of these farflung places. Sending help in the form of food aid to these countries whose people are starving is clearly the right thing to do, but it is also the smart thing to do. If we stand by and watch these violent uprisings cause governments to fall, this growing crisis will pose a threat to the security of the United States of America.

Surveys by Pew Research show favorable opinions of America suffered steep declines since 2000, and not just among old enemies but among recent allies: in Great Britain, from 83 percent favorable toward the United States down to 56 percent in 2006; in Germany, from 67 percent to 37 percent; in Indonesia, from 75 percent to 30 percent; in Turkey, from 52 percent to 12 percent; and in Jordan, which we consider to be an ally and friend, only 15 percent of the people have a favorable opinion of our Nation. Yet amid these troubling numbers, the study also showed moments of improved attitudes toward America, generated by U.S. aid for tsunami victims in Indonesia and elsewhere.

We need to take heed that some countries in the world that share our values and have common goals in life think little of our country. They are wrong. They don't understand our values. They don't understand who we are. We have a chance to help them understand by coming to the aid of those living in poverty and those facing starvation and deprivation around the world.

The causes of today's soaring global food prices and food shortages are many, they are complicated, and they are interrelated. For the sake of world security, more work is needed to understand these causes and develop long-term solutions to feed a hungry world. But we cannot wait for comprehensive solutions to start dealing with today's crises. We need to focus on what we can do at this moment. We need to put an end to this emergency.

The Department of Agriculture announced last week that it will release \$200 million in commodities from the Bill Emerson Humanitarian Trust. Bill was a friend of mine. He always had a soft spot in his heart for these programs, and I am glad this one is named after him. Mr. President, \$200 million is an important step that will help, but it is not enough.

Last week, I met with Josette Sheeran. She runs the World Food Program. What a tough assignment at this moment in history. She says they are at least \$755 million short of what is needed to respond to this global crisis. Beginning next month, for lack of money, the World Food Program may be forced to suspend its school feeding programs in Cambodia. This last chart shows women in a small village in India reaching out desperately for rice sold by Government officials. "The world's misery index is rising" as a result of the food crisis, Josette Sheeran of the World Food Program said last week.

Senators BIDEN and KERRY have joined me in asking the White House for \$550 million for this global food crisis. I have joined Senator BOB CASEY and others in asking the Appropriations Committee in the Senate to provide this help in the supplemental funding bill which we will be considering very soon.

Other countries are rising to the challenge. Last week, France an-

nounced an additional \$100 million; the UK pledged \$60 million; and Norway, \$20 million. Such contributions are important.

Another important step would be for the United States and donor nations to allow a percentage of food aid to be purchased in local food products. It may be that the food is there and if purchased can be given to the people rather than delaying the delivery by shipping things from faraway destinations. I urge my colleagues to support this request.

For those who say \$550 million is just too much to spend to avoid global shortages and unrest, I remind them that is just about what we spend in 1 day in the war in Iraq—1 day. We are talking about the amount of money needed to try to avert a global food crisis.

A little over a week ago, the world's economic ministers met here in Washington to discuss the state of the world economy. They declared that food shortages and skyrocketing prices posed potentially greater threats to economic stability than the turmoil in capital markets. They called on wealthier nations to help prevent starvation and disorder.

We have a choice. We can stand back and watch this disaster unfold or we can demonstrate to the world what we stand for. We can show the world that we understand hunger and violent unrest are also forms of tyranny and terrorism and we are committed, the United States, to doing our part to help end them.

This is not charity. International food assistance in the face of the global food crisis is the right thing to do, the smart thing to do, and the American thing to do.

Mr. President, I ask unanimous consent that following my remarks, the April 18, 2008, article from the New York Times as well as the April 22, 2008, article from the Irish Times be printed in the RECORD.

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

[From the New York Times, Apr. 18, 2008]

ACROSS GLOBE, EMPTY BELLIES BRING RISING ANGER

(By Marc Lacey)

PORT-AU-PRINCE, HAITI.—Hunger bashed in the front gate of Haiti's presidential palace. Hunger poured onto the streets, burning tires and taking on soldiers and the police. Hunger sent the country's prime minister packing.

Haiti's hunger, that burn in the belly that so many here feel, has become fiercer than ever in recent days as global food prices spiral out of reach, spiking as much as 45 percent since the end of 2006 and turning Haitian staples like beans, corn and rice into closely guarded treasures.

Saint Louis Meriska's children ate two spoonfuls of rice apiece as their only meal recently and then went without any food the following day. His eyes downcast, his own stomach empty, the unemployed father said forlornly, "They look at me and say, 'Papa, I'm hungry,' and I have to look away. It's humiliating and it makes you angry."

That anger is palpable across the globe. The food crisis is not only being felt among the poor but is also eroding the gains of the working and middle classes, sowing volatile levels of discontent and putting new pressures on fragile governments.

In Cairo, the military is being put to work baking bread as rising food prices threaten to become the spark that ignites wider anger at a repressive government. In Burkina Faso and other parts of sub-Saharan Africa, food riots are breaking out as never before. In reasonably prosperous Malaysia, the ruling coalition was nearly ousted by voters who cited food and fuel price increases as their main concerns.

"It's the worst crisis of its kind in more than 30 years," said Jeffrey D. Sachs, the economist and special adviser to the United Nations secretary general, Ban Ki-moon. "It's a big deal and it's obviously threatening a lot of governments. There are a number of governments on the ropes, and I think there's more political fallout to come."

Indeed, as it rolls developing nations, the spike in commodity prices—the biggest since the Nixon administration—has pitted the globe's poorer south against the relatively wealthy north, adding to demands for reform of rich nations' farm and environmental policies. But experts say there are few quick fixes to a crisis tied to so many factors, from strong demand for food from emerging economies like China's to rising oil prices to the diversion of food resources to make biofuels.

There are no scripts on how to handle the crisis, either. In Asia, governments are putting in place measures to limit hoarding of rice after some shoppers panicked at price increases and bought up everything they could.

Even in Thailand, which produces 10 million more tons of rice than it consumes and is the world's largest rice exporter, supermarkets have placed signs limiting the amount of rice shoppers are allowed to purchase.

But there is also plenty of nervousness and confusion about how best to proceed and just how bad the impact may ultimately be, particularly as already strapped governments struggle to keep up their food subsidies.

SCANDALOUS STORM

"This is a perfect storm," President Elias Antonio Saca of El Salvador said Wednesday at the World Economic Forum on Latin America in Cancun, Mexico. "How long can we withstand the situation? We have to feed our people, and commodities are becoming scarce. This scandalous storm might become a hurricane that could upset not only our economies but also the stability of our countries."

In Asia, if Prime Minister Abdullah Ahmad Badawi of Malaysia steps down, which is looking increasingly likely amid post-election turmoil within his party, he may be that region's first high-profile political casualty of fuel and food price inflation.

In Indonesia, fearing protests, the government recently revised its 2008 budget, increasing the amount it will spend on food subsidies by about \$280 million.

"The biggest concern is food riots," said H.S. Dillon, a former adviser to Indonesia's Ministry of Agriculture. Referring to small but widespread protests touched off by a rise in soybean prices in January, he said, "It has happened in the past and can happen again."

Last month in Senegal, one of Africa's oldest and most stable democracies, police in riot gear beat and used tear gas against people protesting high food prices and later raided a television station that broadcast images of the event. Many Senegalese have expressed anger at President Abdoulaye

Wade for spending lavishly on roads and five-star hotels for an Islamic summit meeting last month while many people are unable to afford rice or fish.

"Why are these riots happening?" asked Arif Husain, senior food security analyst at the World Food Program, which has issued urgent appeals for donations. "The human instinct is to survive, and people are going to do no matter what to survive. And if you're hungry you get angry quicker."

Leaders who ignore the rage do so at their own risk. President René Préval of Haiti appeared to taunt the populace as the chorus of complaints about *la vie chère*—the expensive life—grew. He said if Haitians could afford cellphones, which many do carry, they should be able to feed their families. "If there is a protest against the rising prices," he said, "come get me at the palace and I will demonstrate with you."

When they came, filled with rage and by the thousands, he huddled inside and his presidential guards, with United Nations peacekeeping troops, rebuffed them. Within days, opposition lawmakers had voted out Mr. Préval's prime minister, Jacques-Édouard Alexis, forcing him to reconstitute his government. Fragile in even the best of times, Haiti's population and politics are now both simmering.

"Why were we surprised?" asked Patrick Èlie, a Haitian political activist who followed the food riots in Africa earlier in the year and feared they might come to Haiti. "When something is coming your way all the way from Burkina Faso you should see it coming. What we had was like a can of gasoline that the government left for someone to light a match to it."

DWINDLING MENUS

The rising prices are altering menus, and not for the better. In India, people are scrimping on milk for their children. Daily bowls of dal are getting thinner, as a bag of lentils is stretched across a few more meals.

Maninder Chand, an auto-rickshaw driver in New Delhi, said his family had given up eating meat altogether for the last several weeks.

Another rickshaw driver, Ravinder Kumar Gupta, said his wife had stopped seasoning their daily lentils, their chief source of protein, with the usual onion and spices because the price of cooking oil was now out of reach. These days, they eat bowls of watery, tasteless dal, seasoned only with salt.

Down Cairo's Hafziyah Street, peddlers selling food from behind wood carts bark out their prices. But few customers can afford their fish or chicken, which bake in the hot sun. Food prices have doubled in two months.

Ahmed Abul Gheit, 25, sat on a cheap, stained wooden chair by his own pile of rotting tomatoes. "We can't even find food," he said, looking over at his friend Sobhy Abdullah, 50. Then raising his hands toward the sky, as if in prayer, he said, "May God take the guy I have in mind."

Mr. Abdullah nodded, knowing full well that the "guy" was President Hosni Mubarak.

The government's ability to address the crisis is limited, however. It already spends more on subsidies, including gasoline and bread, than on education and health combined.

"If all the people rise, then the government will resolve this," said Raisa Fikry, 50, whose husband receives a pension equal to about \$83 a month, as she shopped for vegetables. "But everyone has to rise together. People get scared. But we will all have to rise together."

It is the kind of talk that has prompted the government to treat its economic woes as a

security threat, dispatching riot forces with a strict warning that anyone who takes to the streets will be dealt with harshly.

Niger does not need to be reminded that hungry citizens overthrow governments. The country's first postcolonial president, Hamani Diori, was toppled amid allegations of rampant corruption in 1974 as millions starved during a drought.

More recently, in 2005, it was mass protests in Niamey, the Nigerien capital, that made the government sit up and take notice of that year's food crisis, which was caused by a complex mix of poor rains, locust infestation and market manipulation by traders.

"As a result of that experience the government created a cabinet-level ministry to deal with the high cost of living," said Moustapha Kadi, an activist who helped organize marches in 2005. "So when prices went up this year the government acted quickly to remove tariffs on rice, which everyone eats. That quick action has kept people from taking to the streets."

THE POOR EAT MUD

In Haiti, where three-quarters of the population earns less than \$2 a day and one in five children is chronically malnourished, the one business booming amid all the gloom is the selling of patties made of mud, oil and sugar, typically consumed only by the most destitute.

"It's salty and it has butter and you don't know you're eating dirt," said Olwich Louis Jeune, 24, who has taken to eating them more often in recent months. "It makes your stomach quiet down."

But the grumbling in Haiti these days is no longer confined to the stomach. It is now spray-painted on walls of the capital and shouted by demonstrators.

In recent days, Mr. Préval has patched together a response, using international aid money and price reductions by importers to cut the price of a sack of rice by about 15 percent. He has also trimmed the salaries of some top officials. But those are considered temporary measures.

Real solutions will take years. Haiti, its agriculture industry in shambles, needs to better feed itself. Outside investment is the key, although that requires stability, not the sort of widespread looting and violence that the Haitian food riots have fostered.

Meanwhile, most of the poorest of the poor suffer silently, too weak for activism or too busy raising the next generation of hungry. In the sprawling slum of Haiti's Cité Soleil, Placide Simone, 29, offered one of her five offspring to a stranger. "Take one," she said, cradling a listless baby and motioning toward four rail-thin toddlers, none of whom had eaten that day. "You pick. Just feed them."

[From the Irish Times, Apr. 22, 2008]

CLIMATE CHANGE DEVASTATION GIVES FOOD FOR THOUGHT ON EARTH DAY

(By Fr. Seán McDonagh)

Tuesday, April 22nd, is Earth Day. Unfortunately, there is very little to celebrate this year, as the devastation of the Earth is increasing at an extraordinary rate and, in many countries, the poor are feeling the pain of hunger and starvation.

The major culprit this year is climate change. Droughts in various parts of the world, especially Australia, have cut food supplies and the rush to grow biofuels leaves less land on which to grow food. As a result food prices have jumped dramatically during the year. Maize is up 31 per cent, rice has increased by 74 per cent, soya is up 87 per cent, and wheat is now 130 per cent dearer than it was last year.

In recent years, concerns about global warming and the end of the oil era convinced

many people that growing energy crops might be a good idea. In the U.S. the production of ethanol from plant matter increased by a factor of five in the past decade. Policy decisions taken this year will lead to a further five-fold increase. Europe is also boosting biofuel production and attempting to source it from various parts of the world.

The speed at which these changes are taking place can be seen from a glance at investment in biofuels. In 1995 it was a mere \$5 billion. A decade later it had jumped to \$38 billion, and is expected to top \$100 billion (€63 billion) by 2010.

Sorry to say the biofuel boom is a classic example of the paradox of conscious purpose. This means that we often achieve the very opposite result to the one we intended. In both southeast Asia and South America, growing biofuel crops has led to massive destruction of the rainforest. In Brazil, for example, more than 302,514 hectares were destroyed in the second half of 2007. One of the main reasons for this is the pressure to grow more soya.

In Malaysia and Indonesia producing biofuels from palm oil will increase the amount of carbon dioxide released into the atmosphere, because the preferred way of clearing the forest is by burning it. This final destruction of the forest will lead to the extinction of countless species of plant, animal, reptile and bird life.

Global food supplies are also at a very low ebb. The last time the U.S.'s grain silos were so empty was in the early 1970s when President Richard Nixon sold the wheat surplus to the USSR because crop failures there were leading to starvation. The U.S. recently told the World Food Programme to expect a 40 per cent increase in the price of food in 2008.

Less food and dearer food has led to riots around the world. In Morocco, 34 people were arrested in January 2008 for taking part in riots over food prices. The situation in Egypt is worse. In a 12-month period up to March 2008, the price of cereals and bread had increased in Egypt by 48.1 per cent, according to Egypt's Central Agency for Public Mobilisation and Statistics. The price of cooking oil rose by 45.2 per cent. Because of these increases, the Egyptian government has relaxed the rules on who is eligible for food aid. This has led to tensions and, if the situation continues, could destabilise the government.

The same is true in Pakistan. Meanwhile, at least four people were killed and 20 wounded when demonstrations against rising food prices turned into riots in southern Haiti.

My colleagues in the Philippines tell me that both the price of rice and insecure supplies of the cereal could do much more to destabilise the government of President Gloria Macapagal Arroyo than coup plotters or even charges of gross corruption. All in all there is little to celebrate on Earth Day, 2008.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

GLOBAL YOUTH SERVICE DAY

Mrs. DOLE. Madam President, I rise today in support of the 20th Annual Global Youth Service Day. This event, the largest service event in the world, celebrates the contributions of young people to better their community, country and world through voluntarism. The day also celebrates contributions by the community, including the

public, private, and nonprofit sectors, to empower young people.

Like the youth who participate in the Global Youth Service Day, I gravitated towards public service at a young age. After graduating from law school, I worked for the Department of Health, Education and Welfare on the rights and potential contributions of disabled Americans. We all have a contribution to make, and for me, the greatest joy in life has come from public service, which has enabled me to touch countless lives. My mother, Mary Hanford, who passed away just shy of 103 years old, taught me at a very young age the importance of giving back to your community and helping those around you. She taught me that the best thing you can leave behind is not found on a résumé or in a bank account; it is found in your character, making a difference, a positive difference, the lives of others.

During Global Youth Service Day, millions of young people across the globe will participate in thousands of community improvement projects. Although we commemorate this event only once a year, Global Youth Service Day is a celebration of contributions made every day by dedicated young people who desire to change the world one good deed at a time, and by the communities that empower them to do so. True service is not giving 1 day or even 1 week a year; it is truly a way of life.

The projects carried out for Global Youth Service Day focus on issues ranging from increasing literacy to protecting the environment and ending hunger. One can see the diversity of the projects and the dedication of the participants by looking at those carried out in my home state of North Carolina during last year's Global Youth Service Day. One such project, the Pfeiffer University Relay for Life, was held a few miles from my hometown of Salisbury. This 24-hour relay was held to support cancer research and to raise awareness. Another project, in Charlotte, involved a group doing their own part to protect the environment by picking up litter and cleaning a creek in their neighborhood.

Looking back over the years, my belief is it won't be the cars you drove or the titles you held or the awards you were given that will matter. No, it is character, integrity, a caring heart and compassionate concern and love for your fellow man that will count for so much more. So let me assure you, that just one individual, one person like those who participate in this important day, can make a world of difference . . . even, I might say, a different world. Volunteers are a powerful force, and our future depends on people like these youth, who will motivate and challenge others and make that positive difference.

No one is ever too young or too old to be involved in shaping our world. I encourage all youth to be inspired on this day to use their talents to find ways to

make a positive difference in the lives of others. I am proud to be an original cosponsor of legislation designating April 25, 2008, as Global Youth Service Day.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

OIL PRICES

Mr. SANDERS. Madam President, this country faces many problems. All over this country people are worried about decent-paying jobs, the high cost of college education, and a disintegrating health care system. They are worried about the growing gap between the very rich and everybody else. But on Saturday, I held three town meetings around the State of Vermont: one in Norwich in the morning, one in Radford in the afternoon, and one in a small town in northern Vermont in Danville in the evening.

To nobody's surprise, the issue that is paramount on people's minds today is the outrageously high price of gas and home heating oil. Vermont is a rural State, which means people very often have to travel long distances to work. When they pay \$3.50 for a gallon of gas, it essentially means in most cases that any wage increase they might have gotten over the last year goes right into that gas pump. People are hurting. Wages, in fact, are often not going up. So the end result is that people are working longer hours for lower wages.

I have talked to many people who say: We used to go places. We used to travel. We can't afford to do that anymore. Also, obviously, in a State such as Vermont, where the weather gets very cold in the wintertime, the cost of home heating oil is a real burden. There are many people in my State and all over the country who are worried about how they are going to be able to heat their homes next winter.

We have a national crisis. It is a crisis that is not only impacting on gas prices at the pump or home heating oil prices. It impacts food and every other product we purchase because as oil prices go up, prices on so many of the products we buy are going to go up as well. This is a national crisis.

The time is long overdue for the White House and for Congress to begin to move forward in a comprehensive way. I would be less than honest if I told you I have a lot of confidence that the Bush-Cheney administration is going to do what is right. Just a month ago, President Bush, when asked about the high price of gas at the pump, was very surprised to learn, in fact, that it was going up.

Vice President CHENEY, who was the former CEO of Halliburton, deeply involved in the oil industry when they first came into power, met with representatives of the oil industry. They are representing, unfortunately, the oil industry. They are not representing the consumers of this country or working families. So it is incumbent on the Congress now in a comprehensive way to start moving forward.

This is a complicated issue. I don't think anyone believes there is one single cause for the rapid increase in oil prices, nor does anybody believe there is one single solution. But we do know some of the causes and what we have to do to lower the price of oil. If we are going to protect middle-class Americans, working Americans, that is exactly what we have to do.

While oil prices are soaring, what we should acknowledge is that the profits of huge oil companies are also soaring to recordbreaking levels. We know hedge fund managers make billions speculating on oil futures, and we know OPEC continues to function as a price-fixing cartel in violation of the World Trade Organization.

The average price for a gallon of gas recently hit a recordbreaking \$3.53 a gallon, which has more than doubled since George W. Bush has been President. The price of diesel fuel is now averaging over \$4 a gallon, and the price of oil is hovering at close to \$120 a barrel. These prices say it all. We have a national emergency on our hands. The time is now for this Congress, this Senate, to act boldly to protect consumers.

Recordbreaking oil and gas prices at the pump are posing a crisis not only to commuters going to work, especially in rural areas, but family farmers, consumers, small businesses, truckers, airlines, grocery stores, restaurants, hotels, tourists, and every sector of our economy.

High oil prices are one of the reasons we are moving toward a serious recession which will impact not just this country but the entire world.

The national oil emergency we are currently experiencing demands both a short-term and a long-term solution. Long term, we must reduce our dependency on fossil fuel, we must move to energy efficiency, we must move to sustainable energy—and the potential there is enormous. It is enormous. We can save huge amounts of energy when we have a transportation system that enables us to drive hybrid cars, to get cars that get 70, 80 miles per gallon, where we have a mass transportation system. There is enormous potential in terms of solar thermal plants, which produce huge amounts of electricity. There is enormous potential in terms of wind, other forms of solar. We have to focus and invest in those technologies.

But over the short term, today, we have to understand that while we move forward in transforming our energy system, we must respond to the pain

and the distress and the fear Americans are feeling today as gas prices soar.

While this is a complicated issue, there are a number of ways I believe Congress can act to lower the price of oil. Let me mention a few ideas I believe we should be pursuing.

First, we need to impose a windfall profits tax on the oil and gas industry. The American people do not understand—I do not understand—why they are paying recordbreaking prices at the gas pump, while ExxonMobil has made more profits than any other company in the history of the world for the past 2 consecutive years. The price at the pump: \$3.50 a gallon; ExxonMobil making more profits than any company in the history of the world.

Last year alone, ExxonMobil made \$40 billion in profits, and rewarded its CEO, Rex Tillerson, with \$21 million in total compensation. Now, you may think that is a lot of money. But a few years ago, they rewarded their former CEO, Lee Raymond, with a \$400 million compensation package when he retired.

Outrageously high prices for oil and gas and CEOs at ExxonMobil with huge compensation packages. But ExxonMobil is clearly not alone. Chevron, ConocoPhillips, Shell, and BP have also been making out like bandits. In fact, the five largest oil companies in this country have made over \$595 billion in profits since George W. Bush has been President.

Let me be very clear. I believe oil companies should be allowed to make a reasonable profit, but they should not be allowed to rip off the American people. Enacting a true windfall profits tax would not raise a dime in revenue but would lead to significantly lower gas prices at the pump—something we need to do today. The reason for that is quite simple. There would no longer be an incentive for the big oil companies to gouge consumers at the pump because they would not be able to keep any of their windfall profits.

Imposing a windfall profits tax will not be easy. Since 1998, the oil and gas industry has spent—this is quite amazing—over \$600 million on lobbying. Since 1998, a 10-year period, they have spent over \$600 million on lobbying. They own the law firms. They are former Republican leaders, former Democratic leaders, besieging Congress to do everything we can to protect the big oil companies rather than people who are getting ripped off at the gas pump.

Since 1990, these very same oil and gas companies have made over \$213 million in campaign contributions. So the folks back home may get an understanding of why we are not as a body aggressively standing up to these people, that has to do with huge amounts of money in lobbying, huge amounts of money in campaign contributions.

But the time is now for the Congress to have the courage and for the President of the United States to say no to the oil and gas lobbyists and their out-

rageous campaign contributions and yes to consumers who simply cannot afford to pay these outrageously high prices for gas and oil.

While it is true oil companies and their executives are making out like bandits, it is also true that is not the only cause of the problem. What we are seeing today is that wealthy speculators and hedge fund managers have also been making obscene profits—billions and billions of dollars, in some cases going to individuals—by driving up the price of oil in unregulated energy markets with no Government oversight.

That is why Congress must act to rein in these greedy speculators who often have nothing to do with oil at all. They do not care what they are speculating on. They are just making money by driving up profits, and we must act by closing what has been referred to as the “Enron loophole,” the loophole that enabled Enron to do disastrous things in California some years ago and on the West Coast.

This loophole was created in 2000 as part of the Commodity Futures Modernization Act. At the behest of Enron lobbyists, a provision in this bill was inserted in the dark of night and with no congressional oversight, no congressional hearings. Specifically, the Enron loophole exempts electronic energy trading from Federal commodities laws. Virtually overnight, the loophole freed over-the-counter energy trading from Federal oversight requirements, opening the door to excessive speculation and energy price manipulation.

Since the Enron loophole has been in effect, crude oil prices have jumped from \$33.39 a barrel, in 2000, after adjusting for inflation, to over \$117 a barrel today.

Last January, a veteran oil analyst at Oppenheimer has estimated there is as much as a \$57 a barrel “speculative premium” on the price of oil. Others have estimated that speculators are driving up the price of oil by about 20 to 30 percent.

Closing the Enron loophole would subject electronic energy markets to proper regulatory oversight by the Commodity Futures Trading Commission to prevent price manipulation and excessive speculation.

I would like to thank Senators LEVIN and FEINSTEIN for introducing legislation to close this loophole. It should be passed and signed into law as soon as possible.

In addition, the Bush administration must stop the flow of oil into the Strategic Petroleum Reserve and immediately release oil from this Federal stockpile to reduce gas prices.

At a time of record-high prices, it simply makes no sense to continue to take oil off the market and put it into the SPR. But do not take my word for it. Even the staff at the Strategic Petroleum Reserve recommended against buying more oil for SPR in the spring of 2002. Let me quote from what they had to say about this 6 years ago:

Commercial inventories are low, retail prices are high and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances.

If that advice was relevant in the spring of 2002, it is even more relevant today. Yet that is exactly the policy the administration is following. Even though there are over 700 million barrels of oil in the Reserve, the administration has plans of putting an additional 13 million barrels of oil into our Nation's stockpile.

There is another issue out there that we must address, and that is beginning to understand that OPEC is a cartel whose function in life is to control oil production and artificially drive up the price. It is my view that OPEC is operating in violation of World Trade Organization rules.

The President of the United States should begin action to break up OPEC. Yesterday, I signed a letter, as I believe the Presiding Officer did, demanding that Saudi Arabia—one of the key OPEC nations; the largest oil-producing country in the world—increase their production.

Amazingly, Saudi Arabia is producing less oil today than they were several years ago. There are experts who believe they can be producing 1.8 million barrels a day more, which would have a significant impact on driving oil prices down. We have to remind Saudi Arabia that in 1991, when Saddam Hussein's army was going to overrun that country and take their oil, soldiers from the United States of America put their lives on the line—died—defending Kuwait, defending Saudi Arabia. That was their time of need. Today it is our time of need. It is the world economy's time of need.

Saudi Arabia wants to buy sophisticated aircraft from the United States of America. Well, I say to them, as many of my colleagues say: Friendship is a two-way street. Increase your production. Drive down the prices of oil.

Lastly, we must give the President the power to impose temporary price caps to stabilize oil prices when markets are being manipulated.

Today, the Federal Energy Regulatory Commission, FERC, has the authority to impose temporary price caps on electricity. When it used this authority to deal with the California energy crisis created by Enron, electricity prices fell dramatically. The President should have similar authority over gas prices.

These are a few of the ideas that are out there. Other people have good ideas. My view is we should bring these ideas together in a comprehensive way. If we do that, and if we stand together in a bipartisan way—if the President of the United States decides to represent the consumers of this country rather than just the oil companies—we can keep faith with the American people. We can lower prices. We can deal with the very severe national crisis this country is now facing.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I thank the Senator from Vermont for his comments about what is a growing national crisis: the price of oil and the price of gasoline at the pump. I congratulate him for making many important points relating to this issue and where the Senate needs to go in trying to address it. So I look forward to working with him on his ideas and many of the other ideas my colleagues have to try to give consumers some relief at the pump.

I think many consumers already have either turned on their televisions or seen through the impact of going to the gas station themselves that at \$118 a barrel for oil, they are paying at least \$3.56 a gallon for gasoline and more for diesel.

But what is important to understand about this is that oil futures—which is an indication of the price of oil and impacts the physical market's price of oil—are going to be over \$100 for several years, including probably until 2015. That is, the marketplace has already decided it is buying oil at over \$100 until 2015. So that is going to keep the price of oil high at over \$100 and it is going to continue to have a significant impact and it is something we need to take into consideration.

Now, we have heard a lot of debate on the floor this morning about this issue and what the cause of it was. There have been a lot of accusations by a lot of different people saying: Here is what we think the problem is.

Well, I wish to go through a couple things I want to make sure our colleagues understand is not the problem or not the solution.

First of all, we had people talking about how this was all about more supply, and that if Democrats had not opposed drilling in the Arctic Wildlife Refuge, somehow today we would not have this problem, we would be sitting here without any kind of oil problem.

Well, I wish to remind people that the Energy Information Administration—our own Federal Government agency—did an analysis of drilling in the Arctic National Wildlife Refuge and said that:

Drilling in the Arctic National Wildlife Refuge would only reduce gasoline prices by a penny per gallon, and only in twenty years when drilling is at or near peak production.

That would be when it was at peak capacity. So hardly where we are today—at \$118 a barrel—would that have had a significant impact on the prices we have today.

We also heard people say this was about environmental regulations, that somehow environmental regulations had caused this problem.

Well, let's hear from the oil company executives themselves. This one, Shell's CEO, said:

We are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery.

So here are oil company executives saying they do not know of any environmental regulations. I think this was testimony before the Senate—one of our committees. So, obviously, their oil company executives are saying that is not what the problem is.

They also said environmental regulations are not stopping refinery expansions. So they were clear, testifying, again, before the Senate:

At this time, we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation.

So you cannot stand on the floor of the Senate and blame regulations or environmental issues for not doing something that would impact the price of oil today. It is not true. These are CEOs, these are people in the business, and they are basically saying: No, that is not the effect.

We have one more from BP who said that it also was not stopping them from doing anything:

We do not believe that any Federal or State environmental regulations have prevented us from expanding refinery capacity or siting a new refinery.

So here is the oil industry itself saying that is not what the issue is, that is not what the problem is. They have not been back since this time period to claim any kind of Federal regulation or environmental issue.

So let's look at the other issue people talk about: inventory. Oh, there must be inventories related to that issue of the fact that you wouldn't allow us to drill in the Arctic Wildlife Refuge or that it is about these environmental restrictions and we couldn't build refineries.

Here is someone who is an oil analyst who on March 10 had this to say about inventories:

Gasoline inventories are higher than the historical average at this time of the year, so there is really no need to worry about supply being too tight.

So this is an oil analyst talking about the marketplace and basically saying: You can't say this is about tight supply as it relates to the fundamentals of supply and demand.

So is this just about supply and demand? Is it about that? Well, one individual from the Truckers Association basically just said a few weeks ago:

The oil market is no longer functioning on supply-and-demand fundamentals.

I don't blame the Truckers Association for saying that because they are on the front line of out-of-control diesel prices. When they see \$4 a gallon for their diesel, it takes over \$1,000 to fill up a typical tractor trailer, and they can't make enough money when they are paying that kind of a price. This year, they will pay \$22 billion more—\$22 billion more—for diesel fuel than last year's high prices. So don't think it is not costing Americans and costing industries that are based on transportation and profit margins that are very low.

We know there is more to this issue than what people have talked about

here on the floor this morning. But let's look at what is really going on and whether this price is justified. Let's look at that.

Again, I think a great source to understand whether this price is justified—that is, whether there is something else going on in the marketplace—is the oil company executives themselves because if they are saying oil shouldn't be at \$100 a barrel, then why should it be at \$100 a barrel? If those in the industry are even claiming it shouldn't be at this price, then something must be wrong and we should act to correct it.

But here is the CEO of Marathon Oil who basically said:

\$100 oil isn't justified by the physical demand in the market.

That is an oil company executive owning up to that, just saying right upfront that it is not about the fact that oil should be at \$100 a barrel.

Let's look at what some other CEO said, this one the CEO of Royal Dutch Shell, who just recently, on the 11th of this month, basically said that oil fundamentals are no problem, meaning that is not what the issue is. It isn't basically supply and demand. They are the same as they were when oil was selling for \$60 a barrel. What he is saying is that the fundamentals in the market are the same as when they were \$60 a barrel, so there is no problem with supply and demand.

Let's look at another executive from an energy company. I like this because he actually just recently testified before the House of Representatives and just spit it right out. He just said it plain and simple. He said that the price of oil should be about \$50 to \$55 per barrel. That is an oil company executive this month testifying before a House committee saying that is what the price of oil should be.

Now, I ask my colleagues, what are we going to do about this situation when even the oil company executives are testifying—in this case, under oath before Congress—and basically saying there is no justification for this price? What are we going to do? Are we going to just sit by and do nothing? We have people in the marketplace who are urging us to do something.

This is from an energy analyst who basically was just quoted as saying: Unless the U.S. Government—the U.S. Government—steps in to rein in speculators' power in the market, prices will just keep going up. That is an oil industry analyst. That is what he is saying.

Everybody wants a functioning market. Functioning markets mean there is transparency, there is not manipulation, it is working well, people can trust the outcome, and people can make investments knowing that someone isn't gaming the system. That is what a functioning market is. It is clear that this individual is saying they are not sure there is a functioning market, and they are basically saying that unless the U.S. Government steps

in to rein it in, we are going to have a problem.

We have seen this before. We saw this with the Western energy crisis in electricity. We saw the market go crazy and people stand by and say: Oh, you know what, you didn't build enough capacity; the environmentalists stopped it; this and this was wrong, and that is what the problem was. Well, during that time period, guess what happened. We lost nearly 600,000 jobs, and there was a \$35 billion drop in economic product. For us in the Northwest, it cost our economy billions of dollars, and we are still recovering from it. So now is not the time to sit and point fingers that this is about some PAC environmental problem or regulation or ANWR; this is about taking testimony from individuals and standing up and deciding what we are going to do to protect our consumers.

My colleague from Vermont mentioned a few things, and I wish to mention a few things, also, because I think there are four or five things we should be doing right now to help consumers. This is a crisis. It demands a response by the Federal Government. Some of these powers exist within the Federal Government now, some of them we are working on, but we need to be aggressive about protecting our consumers.

The first one my colleague from Vermont mentioned was closing the Enron loophole. Now, many people may not understand what closing the Enron loophole is, but just to give my colleagues a little refresher, this debate has been going on basically since shortly after 2000 when Congress gave a loophole to electronic trading of energy. Basically, what that loophole meant is they didn't have to have the same kind of transparency; that is, we don't have the ability to look at the books and see whether somebody manipulated the price or was doing something untoward in the marketplace. We gave them an exemption.

Since that time, Senator FEINSTEIN and then more recently Senator LEVIN, myself, and others have been trying to close that Enron loophole. We have been trying to close that Enron loophole for over 4 years now. If anybody wants to say there is any responsibility here about what Congress hasn't done and it has impacted the price of energy, then people ought to look at their voting record and see whether they voted to close the Enron loophole because that is part of this problem.

In addition, we should require oversight of all oil futures; that is, why are we saying oil futures somehow are less important than any other commodity we trade on the futures market for NYMEX or for the Chicago Mercantile Exchange? They have reporting requirements. Federal investigators can go and look at their books and see whether somebody can manipulate the market. They have that. But, no, we are letting some of these oil futures which impact the price of today's oil—as I said, from now until 2015, people

are purchasing oil futures at over \$100 a barrel, which means that is going to be a market indicator for what the physical price will be. We need to be having oversight of oil futures.

We had a very interesting hearing about a year ago where a professor from American University, I think, came to testify, and he said: Is hamburger any more important than oil in America? Because he said that when you look at beef and how it is regulated and beef futures, there are things they have to report. There are transparencies in the marketplace. We require all of this of them, but oil, which is essential to our economy, we basically have given exemptions to. So we need to require oversight of all oil futures.

The third thing we need to do is have the Federal Trade Commission write rules for a law that we passed in 2007. This body did something. That is what people should be holding up today—holding up the fact that we did something to protect consumers. We wrote a new Federal statute basically which said that manipulation of oil markets was a Federal crime, that you couldn't have any manipulative devices or contrivances that manipulated the price of oil. Now we are sitting around waiting for the FTC to implement that rule.

Now, some people think: Well, maybe there is not manipulation in the marketplace. I want to give three examples which have happened recently, all in the last few years. They have been the result of having new statutes on the books, but we certainly need to have this regulation implemented. One of those examples was British Petroleum. The company must now pay approximately \$373 million in part for conspiring to corner the market and manipulate the price of propane carried through the Texas pipeline. So there is an example of where regulators got on the job. Similarly, in 2006, a manipulative scheme to game a natural gas market by a now defunct hedge fund cost consumers upwards of \$9 billion, and in July of last year, Marathon Oil agreed to pay a \$1 million fine to settle charges that Marathon Petroleum Company, a subsidiary, attempted to manipulate the crude oil prices in 2003.

So these are incidents of manipulation happening. We have an industry that is saying it is not about supply and demand and the price should really be anywhere from \$50 to \$60 a barrel; it shouldn't be at this price. We need the Federal regulators to do their job.

The fourth thing we need to do: Having gone through this with the incredible crisis of electricity, we learned we have various agencies with various oversight, and the Department of Justice did something very wise during that time period. It created the Enron Task Force. It created an Enron Task Force to coordinate all the agencies that could help them in the investigation of the manipulation and corruption and fraud that was perpetrated by that company. It worked well. That

President's corporate task force on fraud exists within the Department of Justice today.

My colleague from Washington, Congressman INSLEE, and myself wrote to the Department of Justice and President Bush on Monday calling for a Department of Justice oil market fraud task force. We believe it is time to bring DOJ into the picture to be aggressive in working with the CFTC, the FTC, the SEC, the Federal Energy Regulatory Commission, and any other Federal agency to be the policeman on this beat and make sure oil markets are not being further manipulated.

The last thing we need to do is to make sure price gouging is also not occurring. Now, we had language in the 2007 Energy bill on this issue. I like this language because it is based on language that 28 States have now that in the case of an emergency, when prices have gone out of control, it gives the President the ability to declare an emergency and to deal with those prices. We may be getting to that point. We may be getting to the point where we listen to these oil analysts who are saying these prices are going to just keep going up unless the Federal Government does something, and then I think we are going to have to do more than this. But at least we need to do these four things—and I say hopefully pass this fifth one as well—to make sure we are giving all the tools to the administration to protect consumers.

My colleague from Vermont said it well. This is about what are we going to do to protect consumers. There are a lot of things that have been happening since our economy took this more significant downturn. I would say it is a significant downturn because no one can sustain these oil price impacts across our economy. Yes, there are other things such as housing, but this is having a significant impact. But if you look at some of the solutions we have done so far, whether we are talking about housing or in the banking industry, we have done a lot for the big organizations. This is about doing something to protect consumers on price.

I hope my colleagues will take this list seriously as we propose legislation, and I hope all of my colleagues will join in the Department of Justice starting this investigation. If you look at their Web site, they will tell you when they started the President's corporate task force on fraud, particularly relating to Enron, and they started making sure traders and others knew they were going to lose their livelihood and their profession if they manipulated the market, people started getting serious about their actions.

At \$118 a barrel, we have to send a message by the enforcement agencies of the Federal Government that we are going to get serious about challenging manipulative activity as it relates to oil prices and that we are going to do our job and we are going to demand

that the Federal Government have a cop on the beat when it comes to high oil prices.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Mississippi is recognized.

SUPPLEMENTAL APPROPRIATIONS

Mr. COCHRAN. Mr. President, whatever one's point of view on the war in Iraq, on whether we should be involved or not in the competition for influence in that region, the incontrovertible fact is, there are men and women in the U.S. Armed Forces who are there trying to protect our interests, carry out the orders of their superiors, and safeguard and defend the United States against all enemies, foreign and domestic. And they are in danger of running short of equipment and supplies and the other means necessary to succeed in this conflict because requests for supplemental appropriations are languishing in the House and Senate Appropriations Committees, with no certain schedule for reporting out the bills that must be passed, the bills that must be passed to support our troops and replenish the accounts that have been depleted in this conflict.

Mr. President, I am growing increasingly concerned about the status of the President's fiscal year 2008 request to provide supplemental funding to support our ongoing efforts in Afghanistan and Iraq. The President submitted the bulk of his request in February of 2007 in conjunction with his regular fiscal year 2008 budget submission. He did so largely because Congress clearly expressed its desire for a full year estimate of war costs. Yet Congress did not appropriate a full year's funding.

At the end of last year, Congress approved only a \$70 billion "bridge fund" to support our operations in Iraq and Afghanistan until this spring. Enacting even that amount required a protracted struggle between the House, the Senate, and the President. As a result, the Department of Defense had to issue furlough notices, make a series of inefficient transfers and reprogrammings, and generally function in ways that could only detract from its primary duties.

We find ourselves today facing a very similar situation, more than 14 months after the submission of the President's request. We have not appropriated, approved, or otherwise acted on some \$108 billion of the President's request. The personnel, operations, and maintenance accounts that support our activities in Iraq and Afghanistan are running low. And by May or June, those accounts will run out of money. Soon the Department of Defense will once again have to issue furlough notices, initiate transfers and reprogrammings, and take other inefficient and demoralizing actions that simply should not be necessary.

I have no doubt that Congress will someday approve a funding bill. While

individual Senators have different views about what our policies should be in Iraq and Afghanistan, I am confident that each of my colleagues wants ultimately to provide our Armed Forces and our diplomatic corps with the resources they need to implement the policies of the U.S. Government.

My concern is, when will we act? And how will we act? Every day, I read stories speculating about action on the supplemental. Last week, the Appropriations Committee held a hearing on the supplemental with Office of Management and Budget Director Nussle as the witness from the administration. It seemed as though we might mark up the bill this week, but that has not occurred. I had hoped that by now a markup would be definitely scheduled for next week. But that hasn't occurred either. Hopefully, a markup will occur before we lose yet another week.

But I grow more concerned with each passing day. In the other body, it appears the majority will bypass the committee altogether and take a bill straight to the House floor. Why they would choose to forfeit the detailed knowledge and expertise of the relevant committee of jurisdiction is beyond me, but that is their decision to make. In the Senate, I am not entirely comfortable that a similar procedure isn't under consideration. I know very well that it would not be Chairman BYRD's preference, but I recognize that such decisions are sometimes made by leadership and not by the chairman.

I am also concerned that the process by which Congress will consider the supplemental will again be through a series of messages between the House and the Senate. The House will neither hold a committee markup nor generate an original bill for consideration. As such, it appears there will be no conference committee to reconcile differences between the House and Senate. Rather, the committee leadership, as well as the majority leadership in the House and Senate, will retire behind closed doors to produce a final product for our consideration. The minority will be part of the discussion to varying degrees, but there will be no conference meeting to attend, there will be no conference votes to decide items of disagreement, and there will be no conference report for Members to sign or not to sign.

None of these procedures are without precedent. The Republican majority at times employed similar tactics to move legislation. But I fear that in the appropriations realm, we are making a habit of these procedures—a bad habit. Processing bills by exchanging messages with the House is becoming the norm rather than the exception. Formal conference committees are becoming rare. It seems that committee markups may be the next part of the regular order to go by the boards. This trend should be of concern to all Members of the Senate, not just the members of the Appropriations Committee.

I get the sense that the majority is struggling mightily to develop a uni-

fied, bicameral course of parliamentary action that is most advantageous for their party and which minimizes the chances of unexpected legislative outcomes. I can understand that desire. It is extraordinarily difficult to guide a bill as significant as this supplemental through the legislative process, particularly in an election year.

But in meeting and striving to engineer all uncertainty out of the process, the majority is losing valuable time—time that, in my view, would be better spent marking up the bill, moving it to the floor, and processing amendments in the regular order. Let's not forget those who are depending upon the outcome for their livelihood, their ability to defend themselves and protect the security interests of our great country. They are the ones who are awaiting our action.

Let the Congress work its will. Let the President make a decision whether to sign the bill, and let Congress respond, if necessary. Not to make light of the Senate schedule over the past 2 weeks, but we should be using this window of time that appears to be available to us. In the increasingly political atmosphere in which Congress operates, sometimes we have to remind ourselves of our core responsibilities as Members of this body. In the context of this war supplemental, I think our core responsibility is to give the men and women of our Armed Forces and diplomatic corps the resources they need to succeed in the mission they have been assigned by their Government, and to do so without undue delay.

We have had the President's request for 14 months—14 months. We have held hearings. Members and staff have had numerous meetings with administration officials and other interested parties to discuss the details of the need. We have received an updated report from General Petraeus and Ambassador Crocker.

Mr. President, it is time to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

OIL AND GAS PRICES

Mr. DORGAN. Mr. President, I want to discuss several areas this afternoon. One is the excessive market speculation with respect to the price of oil and gas. My colleagues have done so, and I will weigh in on that.

I think what is happening is not only unfair to the American consumer but damaging to this country's economy. So I will talk about that in a bit. I

want to mention that, on Monday of next week, at 2 p.m., I intend to chair a hearing of the Democratic Policy Committee, in which we will hear from three additional whistleblowers on the issue of waste, fraud, and abuse in contracting in Iraq.

I have held a lot of hearings over a number of years with respect to contracting in Iraq. It is the most unbelievable waste, fraud, and abuse in the history of this country. On Monday, we will hear from whistleblowers who will tell us about the infamous burn pits in Iraq, where in many cases valuable equipment is taken to be burned. In other cases, equipment has been pilfered and taken into the black market. It is an unbelievable tale. But it just fits in with the other things we have heard.

I will not go through all the examples. I have spoken about them at great length. Presumably, some are under criminal investigation. One would expect and hope that the Defense Department would begin to debar some contractors that are, in my judgment, cheating the American taxpayers.

Let me give a few examples. A contractor is charging for 42,000 meals a day they are serving to U.S. soldiers. It is discovered they are only serving 14,000 meals, overcharging by 28,000 meals a day. I don't know, maybe you can miss a cheeseburger or two on the bill someplace. But how do you overcharge for 28,000 meals a day?

An American contractor is paid to rehabilitate 140 Iraqi health clinics and gets paid over \$100 million, paid for with American dollars. The money is gone, but there are no health clinics. I guess there are maybe 20 of them with shoddy construction.

An Iraqi doctor who knows that an American contractor was paid to rehabilitate health clinics in rural areas goes to the Iraqi Health Minister and says: I would like to tour these clinics that the American taxpayers paid to rehabilitate because health is such an important need. The Interior Minister of Iraq said: You don't understand, most of these are imaginary clinics.

I had a guy come to a hearing I held, and he saw \$85,000 trucks being burned on the side of the road, left on the side of the road because they didn't have a wrench to fix a flat tire. The road was safe, the only reason they left the trucks by the side of the road was because they could make a profit by buying another one. Mr. President, \$85,000 trucks torched because they had a plugged fuel pump. What is the big deal about that? The contractor will simply reorder new trucks because the American taxpayers are going to be stuck with that bill. It is a cost-plus contract.

How about \$7,600 a month for leasing SUVs? How about \$45 for a case of Coca-Cola? How long do we have to come to the floor of the Senate and talk about this unbelievable, utter waste of the American taxpayers' dollars?

We had a man named Judge Radhi come to testify. I asked that he be allowed to testify before the Senate Appropriations Committee. He came. He was appointed by Paul Bremer to be the head of a Commission on Public Integrity in Iraq. They tried to kill him three times because the folks over there didn't like somebody looking over their shoulders.

He said they pursued thousands of cases of corruption; \$18 billion had been pilfered and wasted, most of it American money. He talked about \$3 billion spent by the former Defense Ministry of Iraq ordering airplanes that never arrived in Iraq because it is likely the money ended up in a Swiss bank account.

Judge Radhi said, \$18 billion he estimated was wasted, most of it American money.

Does that surprise anybody? We lifted C-130 cargo loads of one-hundred-dollar bills out of this country to fly them to Iraq. In a war zone, you are distributing one-hundred-dollar bills out of the back of pickup trucks. Is it any wonder this is the most waste, fraud, and abuse we have ever seen?

In 1940, at the start of the Second World War, Harry Truman, then serving in this body, helped create a bipartisan committee. It became known as the Truman Committee. It cost \$15,000 and saved \$15 billion. They did 60 hearings a year for 7 years—60 hearings a year for 7 years. They issued subpoenas. When they saw waste, fraud, and abuse, they stopped it. They were serious. It was a bipartisan investigative committee right here in this Chamber.

This war in Iraq has gone on 5 years. I have held hearing after hearing chronicling the waste, fraud, and abuse. And it is unbelievable.

We read that one of the largest contractors we have engaged in Iraq, the Halliburton Corporation, has been paying 10,000 of their U.S. employees through a subsidiary in the Cayman Islands that has no staffing at all, just an office address. Why would they do that? Why would they hire Americans and run their payroll through the Cayman Islands? So they don't have to pay payroll taxes to the U.S. Government.

When this supplemental comes to the floor of the Senate in the next week or two, I am going to offer an amendment that says any contractor doing that should not be getting any more contracts.

At some point, does anybody have the nerve to stand up and say this has to stop? Is there at least a small group of people, perhaps a quorum, who would say this has to stop? What we should do and what I have tried and I say with the support of Senator REID—and I appreciate his support—we have tried very hard to create a Truman-type committee on behalf of the American taxpayers to say: Stop this waste, stop this fraud, stop this abuse.

We have been unable to do that in three votes in the Senate. I regret that

because the American taxpayer is being fleeced and American soldiers are being disserved by this waste, fraud, and abuse.

Let me mention one additional example, which may seem like a small matter, but is symptomatic of a larger problem. Henry Bunting, a wonderful man who worked in Kuwait as a buyer for Halliburton Corporation, brought a towel to a hearing. He held it up. He said: We were buying towels for American soldiers. Here is a towel I was supposed to buy, a white towel. So I ordered white towels.

My supervisor said: You can't buy that white towel. You need to buy a towel that has the logo of our company, embroidered in silk.

I said it will triple, quadruple the cost. The supervisor said: It doesn't matter, it is a cost-plus contract. We will earn more money.

Unbelievable.

Bunnatine Greenhouse came to testify. The price of her testimony was her job. She was the highest civilian official in the U.S. Army Corps of Engineers. She said this awarding of the LOGCAP Rio contracts was the most blatant abuse of contracting authority she had seen in her entire career. For that it cost her job.

I have told my colleagues before, I called the general at home at night who has since retired, who hired Bunnatine Greenhouse, who was judged to be one of the best contracting officials we ever had. I called him at home at night.

I said: General Ballard, tell me about Bunnatine Greenhouse. He said she was tops and what happened to her was wrong, dreadfully wrong.

She blew the whistle on the good old boys network, and now her case is behind a shroud in the Defense Department like all the rest of these issues—under investigation, they say. When will the investigation be done? When will it end?

Halliburton KBR was contracted to provide water to the military bases in Iraq. That was their job. A man named Ben who was in Iraq working for Halliburton came and said: We were providing water but were not checking the—were not testing the water.

It turns out the nonpotable water was more contaminated than raw water from the Euphrates River. That is what our soldiers were showering in, shaving with, and often brushing their teeth with.

Then I got hold of an internal Halliburton document—I believe it was 21 pages—written by Will Granger, the man in charge of water quality in Iraq for Halliburton. He said this was a near miss. It could have caused mass sickness and death. This was an internal document leaked to me from inside Halliburton, written by a man in charge of water in Iraq: A near miss, could have caused sickness and death.

We had whistleblowers from inside the company say this is what happened: Water more contaminated than

raw water from the Euphrates River being sent to these camps. Halliburton said it didn't happen—despite the fact I had the evidence—didn't happen, never happened, not true. The U.S. Army said: Didn't happen, never happened. I did not understand that. I would have thought the U.S. Army would have been apoplectic on behalf of the health of its troops.

So I asked the inspector general: Do an investigation, will you, and tell me what the facts are.

The inspector general did the investigation and just finished a month and a half ago. Guess what? The whistleblowers were right. So why did the U.S. Army declare to us it didn't? I understand the company deciding it will not admit to anything. What about the U.S. Army? In fact, they sent a general to this Congress, to the Armed Services Committee, to say these incidents never happened. Now we have an inspector general report that not only demonstrates that the general testified inappropriately, was wrong, deceived the Congress, but that the inspector general had provided that information to the Pentagon prior to them sending the general up here to tell us information that was not accurate.

It just goes on and on.

Mr. President, we need to have a Truman committee. I know my message is tiresome to some, but it doesn't matter much to me. This Congress owes it to the American people to do what previous Congresses have done during wartime, and that is properly investigate the waste, the fraud, and the abuse on the most significant expenditure of taxpayers' money that has ever occurred ever in the history of this country for contractors. We shoveled money out this door. It is unbelievable. And almost no oversight.

I brought to the floor of the Senate many times a picture of a man who testified with bricks of one-hundred-dollar bills wrapped in Saran Wrap. He said it was the Wild West. We told contractors: Come to this building and bring a bag because we pay in cash.

I described that in the context of a company called Custer Battles. Two guys who had virtually no contracting experience in a very short time got many millions of dollars worth of contracts. And they were then found to have defrauded the Coalition Provisional Authority.

I came to the floor a week or two ago and said the New York Times did some enterprising reporting—good for them, and I say to those reporters: You did some great work, work that probably could have and should have been done by the Congress in the recent past.

I showed a picture of a man named Ephraim, 22 years old, and his 25-year-old vice president who was a massage therapist—a 22-year-old CEO of a company and a 25-year-old massage therapist as the vice president. They ran a company that was a shell corporation set up by the 22-year-old's dad some years ago out of an unmarked office in

Miami Beach. They got \$300 million in contracts from the U.S. Department of the Army to provide munitions and weapons to the Afghan army and police.

What ended up in Afghanistan was, in many cases, ammunition from the mid-1960s, manufactured by the Chinese in boxes that were taped and coming apart. This was a company that got over \$300 million.

Should somebody ask the U.S. Department of the Army and the Sustainment Command of the Department of the Army in Illinois how on Earth did this happen? How did you think you would get by with this? How are you going to explain this to the American taxpayers?

We desperately need to establish a Truman committee to investigate this issue. The American taxpayers deserve no less, in my judgment.

MEDIA MARKET CONCENTRATION

Mr. DORGAN. Mr. President, I wish to mention, this morning out of the Senate Commerce Committee, thanks to Senator INOUE's and Senator STEVENS' support of my legislation, we passed legislation that will veto a rule that was passed by the Federal Communications Commission that allows for more consolidation in America's media.

The Federal Communications Commission decided they want more concentration in the media, despite the fact that most of what Americans hear, see, and read every single day is directed by about five or six major corporations in America. They think we need more concentration. So they passed a rule that says it is going to be OK to allow newspapers to buy television stations in the same city.

We have had a prohibition against that action for a while. It is called cross-ownership. They did their rule. The Chairman of the Federal Communications Commission was very anxious to get this rule done and serve whatever master he was serving. They did their rule, but today we passed a veto resolution out of the Commerce Committee, a disapproval of the rule by the Federal Communications Commission that would allow greater concentration in the media.

The last thing we need is more concentration in the media. We have all these supporters that come to the Senate floor who say: What are you talking about? We have all these new outlets. Go to the Internet. See how many sites there are. Go to cable television. See how many channels there are. I say: Yes, a lot of new choices but from the same ventriloquist, the same source.

One guy testified before the Commerce Committee and said, for example, on cable television in my office, 48 channels are on basic tier and 42 of those channels belong to the same five or six major companies. That bill will come to the floor of the Senate because

it is a privileged piece of legislation. My resolution of disapproval, passed by the Commerce Committee today, will come to the Senate as a privileged resolution. It will be on the calendar now. I am going to consult with Senator REID, and I will visit with the minority, and find a time to bring it up and have a vote to disapprove the rule that was enacted by the Federal Communications Commission, which, in my judgment, stands logic on its head.

OIL MARKET SPECULATION

Mr. DORGAN. Mr. President, the final matter I want to talk about today is this issue of the price of oil and the price of gasoline and excessive speculation. There has been some discussion today about this, and I want to make this point.

We have seen a dramatic runup in the price of oil and, therefore, the price of gasoline. There is no justification with respect to the fundamentals of oil and supply and demand for that. There is no justification for it at all, but something has changed in this country. What has changed is the futures market has become an orgy of speculation.

Let me quote a man named Mr. Fadel Gheit, a top analyst from Oppenheimer and Co. He has been in this business for 30 years. He said this a couple of months ago.

There is absolutely no shortage of oil. I'm absolutely convinced that oil prices shouldn't be a dime above \$55 a barrel. Oil speculators include the largest financial institutions in the world. I call it the world's largest gambling hall. It's open 24/7. It's totally unregulated. This is like a highway with no cops and no speed limit and everybody's going 120 miles per hour."

This is happening in the futures market. You need a futures market to hedge. You need it for liquidity. I understand that. What has happened to the futures market is pretty bizarre. We now see on the futures market 20 times the amount of oil bought and sold every day than is used every day. Twenty times more is bought and sold than is used. For the first time, we see hedge funds up to their neck in the futures market. Is it because hedge funds love oil? No, they don't know anything about oil. Do they want oil delivered to their offices? Do they want oil delivered to their homes? No. They never want to own any oil. They want to buy things they will never get from people who never had it. That is the way the futures market works. These people are speculating. Hedge funds are neck deep speculating in oil futures, and for the first time investment banks have joined them. So you now have big investment banks and big hedge funds with a presence in the futures market like never before. They have all these commodity corners in their company now, and they are hiring more, and they are speculating at an unbelievable rate.

I am told, and I have read, that investment banks for the first time are

even buying oil storage capability to buy oil and take it off the market. Why? To wait until it increases. So now we have oil upwards to \$120 a barrel because we have so much rampant speculation or outright gambling in these markets.

What does that mean for the folks driving a Chevrolet down the road, getting low on gas and trying to figure out how to get to a gas pump, and how to pay the bill when they get there? Well, the folks in the hedge funds, these folks in the investment banks on these commodity markets that are engaged in the 24/7 casinos, are going to the bank. Man, they are going to the bank big time. I am talking billions and billions of dollars. It is pretty unbelievable. When you have a person drive up to the gas pump and fill that car with gas, a portion of that money now goes to this carnival of speculation in the futures market to reward the speculators. A portion of it, of course, goes to the OPEC cartel too. These are folks who sit around in a closed room with a locked door and make decisions about price and about production.

I might add, while I am at it, that Saudi Arabia, by the way, has 800,000 barrels a day less production on the market than they did 2 years ago—800,000 barrels a day, every day. That means a lot in terms of what might happen in that market.

So we have a lot of things going on here. What should we do about it? Well, in addition to all of that, the Bush administration is deciding they want to stick, and they are sticking, 60,000 to 70,000 barrels of oil underground every single day in something called the Strategic Petroleum Reserve. We have an SPR to save for a national emergency. Well, they are buying oil at \$118 a barrel coming off the Gulf of Mexico as a royalty in kind transfers. They are taking \$118-a-barrel oil and putting it in the ground, 60,000 to 70,000 barrels a day.

With oil at record highs, it is Byzantine to see this administration saying we have to do more to fill the SPR. This is at a time when the Strategic Reserve is 97 percent filled. So they take oil out of the supply, which puts upward pressure on oil and gas.

When the supplemental appropriations bill comes to the floor of the Senate, I intend to offer that amendment as well, to stop putting oil underground in SPR when oil is above \$75 a barrel. I mean, this doesn't take a reservoir of common sense. It just takes a few grains of common sense from somebody who might actually help to fix this problem.

What I also want to do is to increase the margin requirements on the exchange. If you buy stock on margin, you pay a 50-percent margin requirement to buy stock. If you want to control oil by going into the futures market for oil, you pay 5 to 7 percent. You pay a 50-percent margin for stock, but 5 to 7 percent for oil. If you want to control \$100,000 worth of oil, it will cost

you \$5,000 to \$7,000. That doesn't make any sense.

That encourages speculation. That encourages the speculation that pushes the runup of these prices. I believe the margin requirement ought to be at least 25 percent at this point, during this period of aggressive speculation. So I am putting together a piece of legislation on that as well.

You know, I want this country to develop an energy policy that makes us much less dependent on foreign sources of oil, engages in much more conservation, and much more efficiency. We should produce more. I am one of the four Senators who helped pass the legislation finally that opened up Lease 181 in the Gulf of Mexico in 2006. So I believe in additional production. I believe we ought to conserve more. I believe we need more efficiency, and I believe we need to pay much more attention to renewable energy.

All those things are important. All of them are important. But right at the moment we have a circumstance where we have an administration sticking oil under the ground at the wrong time, which puts upward pressure on oil and gas. We also have hedge funds and investment banks hip deep in the futures market speculating and making billions of dollars on speculating. At the same time, they are driving up the price of oil and gas for American families and doing great damage to this country's economy.

It is not just the family, and it is not just the business. It is not just the truckers and not just the airlines that are hurt. This country is experiencing significant economic damage as a result of the runup in these prices. I think there are reasons for us to come to the floor on an urgent basis and take obvious steps to deal with it. I have mentioned several, and there are more. But I only want to make the point that this is not some passing fancy that is going to be a magnet for a lot of discussion. This is a very serious, real problem that is doing significant damage to this country's economy.

There is a lot to do next week and the week after, and I will be introducing some additional legislation. I will be anxiously awaiting the appropriations supplemental legislation. When the emergency supplemental appropriations bill comes to this floor, either in the Appropriations Committee or on this floor, we must be given the opportunity—and will be given the opportunity—to offer the kind of amendments I have suggested. This will include an amendment that stops the putting of oil underground in the SPR at a time when oil is priced at \$118 a barrel. This is just one of the obvious things we can do to stop penalizing American consumers and damaging this country's economy.

Mr. President, with that, 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. NELSON of Florida. Mr. President, I ask unanimous consent the quorum call be rescinded.

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

FLORIDA PRESIDENTIAL PRIMARY

Mr. NELSON of Florida. Mr. President, I want to address the Senate on two subjects. I will be brief.

The task has fallen to this Senator from Florida to continue to try to press the chairman of my party and its executive committee, in the form of the Democratic National Committee, to recognize the votes of 1.75 million Florida Democrats who went to the polls on January 29, a turnout of twice any previous turnout in a Presidential primary, to express their preference for the nominee of our party. They did so in those huge numbers, they did so in a duly called election by Florida law, which caused all of the rhubarb in the first place because the legislature of the State of Florida moved ahead of the date set by the two parties after which they would then be punished by the party rules.

Both party rules provided that the two parties would be punished if they moved earlier than the date of February 5 for their primary. The party rules in both parties said that half of the delegates would be taken away. Indeed, that is what the Republican National Committee did. But not so the Democratic National Committee, for they decided to take a full pound of flesh and take away all the delegates and say the election didn't count.

There are some people who are thinking, even though they felt passionately about it at the time, the way all this worked out, since we don't have a nominee yet at an early day like the Republican nominee, I think some people are thinking maybe this should have been worked out a long time ago, such as last summer, before this ever came to a head.

But it is what it is, and all the attempts at finding a compromise that can seat the Florida delegation at the convention have all come to naught because of the inability of the two candidacies to come to a conclusion as to what they would be able to accept.

The bottom line is that seating Florida, whether you seat them according to the DNC rules, taking away half the delegates, or seating the whole delegation, advantages one candidacy and it disadvantages the other candidacy. As a practical matter, I think it is going to be difficult to get an accommodation and agreement to do it.

But I want everybody to understand that the Democratic National Committee can take away delegates—they have that authority. But the Democratic National Committee cannot deny the certification of a legal election by Florida voters. You can't deny that. It is a fact. It is a certified election under Florida law. That was a

legal election under Florida law and it was a clean election under Florida law. The Democratic National Committee cannot deny that certification of that legal election.

Sadly, one of the byproducts of all this is that in listening to what the latest Gallup poll says, one-half of all the Democrats in the United States think all of this fracas is hurting the party—one-half of all the Democrats in the country. When you combine that latest Gallup Poll with the fact that months ago a poll in Florida showed that 22 percent of Independent Florida voters, 22 percent of Independents in Florida, would be less likely to vote for the Democratic nominee in November because of the way that Florida is being treated by the Democratic National Committee: Democratic National Committee, you better wake up. We have a problem on our hands.

What we ought to be doing is looking at November. As the old colloquialism says, we better watch out or we are going to be cutting off our nose to spite our face.

EQUAL PAY

Mr. NELSON of Florida. Mr. President, it is hard for me to understand how the Senate cannot support equal pay for equal work, the same for women as for men. That happened yesterday, on a vote of 56 in favor of proceeding to the bill on equal pay for equal work and 43 against. I do not understand that.

What is worse is my wife and many other spouses of Senators cannot understand that. I assure you, they are letting their husbands and spouses know how they feel—that they cannot understand how the Senate cannot proceed to a bill for equal pay for equal work for women.

I hope the next time we try to move to a bill for which we have to hit the 60-vote threshold to get over the filibuster to get to the bill—we need 4 more votes—I hope somewhere over there we are going to be able to get them when we bring up equal pay for equal work for women.

I yield the floor.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. REID. Mr. President, I rise today, on the 93rd anniversary of the onset of the Armenian genocide, to honor the victims of this terrible tragedy and to reiterate my unwavering support for the United States Government to officially recognize as genocide the series of atrocities carried out against the Armenian population by the Ottoman Empire beginning on April 24, 1915.

It truly saddens me that after 93 years, the United States has failed to acknowledge the Armenian genocide for what it was. Between 1915 and 1923, the Ottoman Empire forcibly deported

around 2 million Armenians, of whom 1.5 million men, women, and children were killed. Those fortunate enough to survive the massacres, forced marches, and deliberate starvation, were ejected from their homeland.

In response to reports of these horrific events, U.S. Ambassador to the Ottoman Empire Henry Morgenthau, Sr. explicitly condemned the policy of the Government of the Ottoman Empire as “a campaign of race extermination.” Moreover, Ambassador Morgenthau was praised by U.S. Secretary of State Robert Lansing for his efforts “to stop Armenian persecution.”

Perhaps more significant to the Chamber in which I stand today was the passage of S. Con. Res. 12 on February 9, 1916. This prescient piece of legislation not only acknowledged that a colossal tragedy had ensued in the midst of the Great War, but also resolved that the President of the United States “designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians,” who, at that time, were enduring “starvation, disease, and untold suffering” at the hands of the Ottoman leadership.

Less than 4 years later, while the Armenian genocide continued, the Senate would also pass S. Res. 359, which stated, in part, that recent congressional testimony “clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered.”

I say to my friends in the Senate, given how our esteemed colleagues of the past reflected on this terrible tragedy, I cannot help but think that they would have surely labeled these atrocities as genocide if only the word had been coined. The United States has a rich history of defending human rights, standing up for the oppressed, and speaking the truth about genocide. However, in spite of support from Members of Congress and leaders in the Armenian community, the official policy of the executive branch of the United States still does not recognize the Armenian genocide.

I am so proud that my home state of Nevada, with its vibrant Armenian-American community, and 40 other U.S. States have, by legislation or proclamation, already recognized the Armenian Genocide. In fact, on April 11, 2000, former Nevada Governor Kenny Guinn proclaimed April 24, 2000, as a day of remembrance of “The First Genocide of the 20th Century.”

I would also like to congratulate the Armenian-Americans of southern Nevada for planning yet another successful Armenian Genocide Commemoration event on the campus of the University of Nevada-Las Vegas. It is so wonderful to see this community from my home county come together each year to honor the survivors and their deceased brethren, and I wish my Armenian friends in Nevada the best of luck with this year’s commemoration

and those for years to come. May God bless them and all of those who fight on their behalf.

Mr. BIDEN. Mr. President, I rise today to commemorate the 93rd anniversary of the Armenian genocide.

On April 24, 1915, an ancient nation faced extermination when officials of the Ottoman Government initiated a series of raids in which hundreds of Armenians were arrested and subsequently deported or killed. Isolated incidents of brutality had occurred before, but sadly this event marked the beginning of a campaign of murder, deportation, and forced starvation. When the violence ultimately ended, as many as 1.5 million Armenians had died and 500,000 were exiled. Armenians all but disappeared from land their people had occupied for centuries.

The American Ambassador to the Ottoman Empire at the time was the distinguished Henry Morgenthau who described the horrors perpetrated against the Armenians as the “murder of a nation.”

Just this week, the Senate Foreign Relations Committee, which I have the honor to chair, had a hearing on the systematic murder of innocents in Darfur. The incident serves as an important reminder that an open discussion of the Armenian genocide is critical. Since the 1915 ethnic cleansing, the murder by a government of its own citizens has occurred again and again.

It is depressing to think that human beings have not learned their lesson. The whole world is diminished, wounded, and made poorer by such tragedies and we must not forget them if we hope to prevent them. The commemoration of this act of brutality and systematic murder 93 years ago is important and relevant not only for the survivors and their descendants, but for humanity as a whole.

TRIBUTE TO DAN CHERRY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a good friend, Dan Cherry. A retired U.S. Air Force brigadier general, Dan Cherry is a respected Kentuckian and a man of character.

During his time in the Air Force, General Cherry volunteered for combat duty in 1966 and 1971, flying over 295 missions, most of them over North Vietnam. On one of those missions in April 1972, General Cherry shot down the plane of a Vietnamese soldier, Nguyen Hong My.

General Cherry always wondered what happened to the pilot that he shot down, and he recently was given the chance to meet him. General Cherry and Hong My met face to face in Vietnam almost 36 years to the day of General Cherry’s shooting down Hong My’s MiG-21 fighter.

Mr. President, I ask my colleagues to join me in honoring Brigadier General Dan Cherry, who through his actions of patronage and reconciliation has shown us what it means to be a true American, and Kentuckian. Recently

the Bowling Green Daily Newspaper published a story about General Cherry and the remarkable story of his journey to Vietnam. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Bowling Green Daily News, Apr. 13, 2008]

VIETNAM VET REUNITES WITH PILOT HE SHOT DOWN IN '72

(By Jim Gaines)

BOWLING GREEN, KY.—On April 6, Dan Cherry and Nguyen Hong My were back in the air near Hanoi, capital of Vietnam.

Almost 36 years before—on April 16, 1972—Cherry shot down My's MiG-21 fighter in the same area.

My parachuted as his plane crashed, breaking his arms in the process; and now Cherry's plane, an F4D Phantom II, is restored to its wartime colors and parked in the Aviation Heritage Park on Three Springs Road.

Last week, the two men flew together past the scene of their earlier encounter, chatting in the comfortable seats of a jetliner on their way to My's home.

"It was, I guess, the most amazing experience I've ever had in my lifetime," Cherry said.

Cherry volunteered for combat duty in Southeast Asia in 1966, then for a second tour in 1971. He flew 295 missions, most of them over North Vietnam. He retired as a brigadier general in the U.S. Air Force and went on to a career in Kentucky state government and managing the Kentucky TriModal Transpark.

But, Cherry said, he often wondered what happened to the pilot he shot down. When the Aviation Heritage Park was in its planning stages 2½ years ago, one of its local backers half-jokingly suggested trying to find the MiG pilot.

Cherry worked through friends to contact a reunion show on Vietnamese TV, which worked through the Ministry of Defense to identify Nguyen Hung My.

In December, a producer of the show—called "As If We Never Parted"—e-mailed Cherry with the news and asked if he'd appear on the show.

After flying to Vietnam for his first visit since the war, he went to the TV studio April 5. According to Cherry, the show's host introduced him and told the audience about his life. After showing pictures of Cherry's family, she introduced My.

Cherry said he was nervous, wondering how he'd be received. But My smiled as he came out and shook Cherry's hand. Through an interpreter, My said he was glad to meet Cherry. The anchor told about My's life, his four years of flight training in the Soviet Union and his war service.

Thanh Nien News, a major newspaper in Ho Chi Minh City which publishes in Vietnamese and English, reported on the pilots' meeting. According to that story, My said he'd never thought about looking for the pilot who once shot him down. After the war, he studied English and finance, and worked for an insurance company, the paper said.

My flew for two more years after recovering from his bail-out injuries, speaks Chinese and Russian, has a great sense of humor, and is obviously highly respected by friends and family, Cherry said.

After the show, the two sat down backstage and talked about flying and their respective families.

"We hit it off really well," Cherry said.

Later, they and the TV staff went to a rooftop restaurant in downtown Ho Chi Minh

City. Over dinner, My asked if Cherry would visit his home in Hanoi. Cherry—already planning to go to Hanoi the next day as a tourist—thought My meant some indefinite time in the future; it turned out he meant the next day. When Cherry agreed, My changed his own travel schedule so they could be on the same flight.

My's house, it turned out, was within walking distance of Cherry's hotel. That night he and his friends Larry Bailey and John Fleck made their way to My's house along streets teeming with motor scooters, Cherry said.

They had dinner with My's family, and Cherry got to hold his former opponent's 1-year-old grandson, he said.

"It was just a tremendous experience to be welcomed so completely," Cherry said. "I've made a good friend in Mr. Hong My."

In return, he gave My a bottle of bourbon and invited him to visit Bowling Green, perhaps later this year, he said.

My offered to guide them around the city the next day, showing up at 8 a.m. in a car with his son-in-law and friend. He took them to one site after another, including a number of military museums that ordinary tourists wouldn't get to see, Cherry said. They saw past displays of Soviet-built fighter planes, including MiG-21s like the one My flew in 1972, he said.

Cherry also visited the "Hanoi Hilton"—the building made notorious as a prison for American pilots shot down over North Vietnam. It's now a museum. Most of the exhibits, though, are devoted to the Vietnamese who were held there during the decades of French rule, Cherry said; there's only one small room describing its time as a prison for Americans.

The overall impression he had of Vietnam is that what the Vietnamese call the "American War" has been put far behind them, he said.

"They're moving on to the future. They don't hold any grudges," Cherry said.

My also asked for help with one task: He shot down an American plane, too, but believes that pilot was killed, Cherry said. So he asked if Cherry could help him find that pilot's family. He would like to express his respect and condolences, Cherry said.

NATIONAL TAKE YOUR DAUGHTER AND SON TO WORK DAY

Mr. DURBIN. Mr. President, April 24 is Take Your Daughters and Sons to Work Day, which is a great opportunity for people who are in a position to do so to give their kids a better idea of what they do for a living. In my office, we had a short social time this morning to allow the children of staff members to gather and talk about their experience. Participation in Take Your Daughters and Sons to Work Day can be fun for the parents and the children. But at its heart, this day is a part of a broad effort to reach pay equity for women.

On Tuesday, we marked Equal Pay Day, the point in 2008 when the average woman's wages finally catch up with what the average man earned in 2007. The numbers are sobering.

Equal pay has been the law since 1963. But today, 45 years later, women are still paid less than men—even when women have similar education, skills, and experience. While women's wages have risen in all States, in inflation-adjusted dollars, since 1989, the typical

full-time woman worker does not make as much as the typical man in any State. At the present rate of progress, it will take 50 years to close the wage gap nationwide.

In 2007, women were paid 77 cents for every dollar men received. That is \$23 less for every \$100 worth of work women do—\$23 less to spend on groceries, housing, child care, and other expenses. Nationwide, working families lose \$200 billion of income annually to the wage gap.

Over a lifetime of work, the 23 cents on the dollar women are losing adds up. The average 25-year-old working woman will lose more than \$523,000 to unequal pay during her working life. These figures are even worse for women of color. And because women are paid less now, they have less money to set aside for retirement, and they will earn lower pensions than men.

Part of the motivation behind Take Your Daughters and Sons to Work Day is to expose children of both genders to professional fields that historically have been dominated by men. This day is one of many initiatives developed to encourage girls and young women in their education and professional journeys. Professional and student organizations, such as the Society of Women Engineers, offer a support network for those young women who are making their mark in professions that historically have not seen many women.

Take Your Daughters and Sons to Work Day can help both girls and boys see the career opportunities that may be open to them if they stay in school, set goals, and study. I commend the employers and employees who are able to participate today. I would also like to congratulate and encourage the children who are sizing up options for their future careers. Let us keep in mind today that we need to keep working to enable every child to achieve his or her full potential, and we need to ensure that women are fully and fairly compensated for all the work they do.

Mr. PRYOR. Mr. President, I rise in honor of today's Take Our Daughters and Sons to Work Day when, over the past 15 years, individuals, families and workplaces have joined in expanding opportunities and transforming the lives of millions of girls and boys both nationally and internationally. I want to take this opportunity to discuss the importance of family in creating an active and resourceful citizenship and workforce for the future. As our Nation continues in its historical role as a melting pot, the importance of international adoption in the fabric of American families continues to grow. Mr. PAUL Hanly Furfey stated that "The first, the most fundamental right of childhood is the right to be loved. The child comes into the world alone, defenseless, without resource. Only love can stand between his helplessness and the savagery of a harsh world." Families created or expanded by international adoption are unique and special, open to cultural differences and

sharing in the common elements of mankind, compassion and love.

The United Nations Population Division gathered data from more than 100 countries and found that in a world of 2.2 billion children under the age of 18, fewer than 12 per 100,000 are being adopted. In other words, in a total global population of 6.5 billion, there are only about 260,000 adoptions of all kinds annually including those within countries, across borders and of step children. In the United States we have seen an upward trend in international adoptions from 7,083 in 1990 to 17,718 in 2000 and over 20,000 international adoptions in 2007.

I have received several letters of concern from many Arkansans inquiring as to what the U.S. Government is doing to help these children find their way to loving homes in Arkansas. In fact, the United States has taken several important steps to protect the rights of the child and to assist families in the international adoption process. From a global level, the Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption—Hague Adoption Convention—a broad multilateral treaty, was signed by the United States in March of 1994. In 2000, the Senate and the House passed the Inter-country Adoption Act of 2000 to implement the Convention. In 2006, the Department of State issued the final rule on the Accreditation and Approval of Agencies and Persons to implement the Convention and the Inter-country Adoption Act.

Legislation to help adoptive families pay for expenses associated with adoption procedures was signed by President Bill Clinton in 1996 to make improvements to the Internal Revenue Code to add a two-part adoption assistance tax relief program. The tax relief for adoption expenses has helped many families to be able to afford the financial costs of the actual adoption process. The Department of Homeland Security now issues immigrant visas to children entering the United States with adoptive parents who are U.S. citizens under the I-800 Visa Program, making them U.S. citizens when they reach U.S. soil.

On my part, I have signed several letters to international leaders concerning the importance of transparency in the adoption process in all countries, particularly in the signatories of the Hague Adoption Convention.

Our recognition of today's Take Our Daughters and Sons to Work Day provides us with a great opportunity to recognize the unique role and contributions of adoptive families in our country. Families created through adoption are special. They go through so much time and energy to find each other. We must celebrate these families who through perseverance and determination become whole and provide a loving environment for our next generation.

EXPANDED DNA COLLECTION

Mr. LEAHY. Mr. President, I was concerned to learn from the newspapers last week that the Federal Government is getting ready to publish a rule sanctioning the collection of DNA samples from all citizens arrested for Federal crimes and from many people detained as illegal immigrants. These samples may even be kept permanently as part of the Government's DNA database even if a person is ultimately exonerated.

I have long supported the analysis of DNA evidence to catch the guilty and exonerate the innocent. In 2000, I introduced the Innocence Protection Act, which included the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program for defendants. This program, where appropriate, gave defendants access to the postconviction DNA testing necessary to prove their innocence in those cases where the system got it grievously wrong. As a former prosecutor, I was acutely aware that DNA testing could help prevent both the conviction of innocent defendants, and the criminal justice nightmare of the real wrongdoer remaining undiscovered and possibly at large.

In 2004, Congress passed the Innocence Protection Act as an important part of the Justice for All Act. Congress recognized the need for important changes in criminal justice forensics despite resistance from the current administration. The Justice for All Act authorized several other important programs to encourage the use of DNA evidence, which I strongly supported, notably including the Debbie Smith DNA Backlog Grant Program to eliminate the nationwide backlog of rape kits and other evidence awaiting DNA testing in crime labs around the country. That important program has helped law enforcement to find the perpetrators of terrible crimes throughout the country and to ease the ordeal that crime victims go through.

But DNA testing, like any powerful tool—and particularly any powerful tool in the hands of the government must be used carefully. If abused, it can infringe on the privacy and civil liberties of Americans while doing little to prevent crime. I am concerned that the policy just announced may do exactly that.

When Senator KYL proposed the legislation that formed the basis for this policy, I said that it raised serious privacy concerns. Right now, a person's DNA can be collected immediately upon arrest, and it can be used immediately to search the DNA indexes for a possible "hit." But it cannot be added to the Federal index unless and until the person has been formally charged with a crime. This new policy allows DNA to be entered for those who have been arrested but not charged.

This change adds little or no value for law enforcement, while intruding on the privacy rights of people who are, in our system, presumed innocent. It creates an incentive for pretextual ar-

rests and will likely have a disproportionate impact on minorities and the poor. This policy may also make it harder for innocent people to have their DNA expunged from government databases.

Since I first spoke out against this provision in 2005, we have only seen more examples of abuses of power by this administration, including the Justice Department's improper firing of prosecutors for political reasons and the FBI's abuse of national security letter power given in the PATRIOT Act. In this light, the added power to collect and keep DNA information from potentially innocent people gives even more cause for concern.

I will study the proposed rules and policy carefully, and the Judiciary Committee will perform careful oversight of its implementation. We must ensure that DNA evidence is used aggressively and efficiently to make us safer, but also that it is used in a careful and appropriate way that secures our rights and increases our confidence in our justice system.

NATIONAL CHILD CARE WORTHY WAGE DAY

Mr. KENNEDY. Mr. President, I strongly support a resolution by Senator MENENDEZ supporting National Child Care Worthy Wage Day. I hope that it will shine a brighter light on the many challenges facing the early childhood education and care community and the importance of attracting and retaining excellent childcare workers.

Across the country today, nearly two-thirds of children under the age of 5 are in some form of nonparental care while their parents are at work and more and more research emphasizes that learning begins at birth. The quality of early care that children receive has a profound impact on the rest of their lives.

Children in high-quality early care and education programs are 30 percent more likely to graduate from high school and twice as likely to go to college. They are also 40 percent less likely to be held back a grade or need expensive special education programs.

Childcare is particularly effective for at-risk students. Important studies, including the research of both Nobel Laureate Economist James Heckman and Chairman of the Federal Reserve Ben Bernanke, show that quality early care and education can break the cycle of poverty and crime. Heckman's survey of at-risk boys who receive quality early education found that less than 10 percent of boys who participate will be convicted of a crime and less than 2 percent will end up on welfare—rates significantly lower than for those who do not receive such support.

The key to assuring quality early childhood education and care for our youth is access to a highly qualified educator or caregiver. Despite the obvious importance of their work, however,

child care providers are underpaid, unsupported and undervalued.

These providers are responsible for the social, emotional and mental development of the children in their care. They teach skills that young children need in order to be ready to read and learn when they go to school. They help young children learn about the world around them and how to interact with others. Yet the average salary of an early care and education workers is \$18,820, and less than a third of them have health insurance.

In Massachusetts, those numbers are only marginally better—childcare workers are paid a little over \$10 an hour and earn \$22,760 annually. By comparison, registered nurses make \$37,511 a year, police officers earn \$37,078, and K through 12 teachers earn \$32,306.

The story of Melvina Vandross is typical. She has spent the last 20 years caring for children in poor families in New York City. Due to the lack of sufficient Federal subsidies, she makes less than \$19,000 a year in one of the world's most expensive cities. She has no health insurance, and could not afford to get her son the tutor he needed to succeed in school. Her commitment to the futures of some of the Nation's least fortunate children has made it nearly impossible for her to provide for herself and her family.

Melvina's story is unacceptable. It is unacceptable that Head Start teachers in Montana qualify for Habitat for Humanity homes. The men and women who shape the lives of our Nation's children deserve fair wages and benefits. The sacrifice we are asking of them for their indispensable work is too high.

Inadequate wages and benefits have made it difficult to recruit and retain qualified childcare providers. Turnover rates are going through the roof. Almost 30 percent of child care providers leave the field every year. Neither their wages nor their turnaround rates are acceptable. If we want our children to be cared for by qualified providers who have a good education and sound understanding of child development, we must see that they are fairly compensated and supported, commensurate with their contribution to our national, civic and economic well-being. They are indeed deserving of a worthy wage for their worthy work that is so important for the Nation's future. I urge my colleagues to support this important resolution. We owe it to the Nation's childcare providers, and we owe it to our Nation's children and their families.

WORLD MALARIA DAY

Mr. BIDEN. Mr. President, April 25 is World Malaria Day. That is the day that the world pauses to acknowledge that over a million people a year die of a disease borne by mosquitoes, a disease that we know how to prevent, a disease that we know how to treat. The

most vulnerable are children under the age of 5; every 30 seconds a child dies of malaria. Pregnant women are also at high risk; 10,000 expectant mothers perish each year from the disease. Malaria exacts an enormous economic and social toll as well, costing the poorest countries in the world billions of dollars each year in lost productivity, working days, revenue, and investment. With global weather patterns changing, malaria is spreading further, reaching areas that were previously unaffected.

Last month, the Foreign Relations Committee approved a bipartisan bill that could, over the course of time, help to save millions of lives by providing people with the means to prevent and treat malaria. I am proud to have sponsored this bill, along with Senator LUGAR and our other colleagues. This legislation, S. 2731, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, authorizes up to \$5 billion over the next 5 years to combat malaria, a dramatic increase in resources. It also formally establishes the position of a global malaria coordinator to oversee U.S. programs and strengthens U.S. participation in the multilateral global fund to fight AIDS, tuberculosis, and malaria. These efforts will build on the dramatic early success of the President's malaria initiative, which was launched 3 years ago by President Bush. Already, under this initiative, the island of Zanzibar has witnessed a 95 percent reduction in infection rates among children. Through bednets, spraying of homes, and providing drugs, we can replicate that success on a much broader scale.

Similar legislation has passed the House of Representatives, and our bill received a strong vote of support in committee here. It is my hope that the Senate will soon take up S. 2731, that we will debate whatever differences we may have and vote on it, and that the President will be able to sign it into law well in advance of the G-8 meeting in July. If so, he will be in an excellent position to help convince other countries to undertake similar commitments. Even more important, we will let the people of Africa and other hard-hit areas of the globe know that the United States is sustaining the commitments that it first made in 2003 when Congress passed the original United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act.

DENIM DAY

Mr. LAUTENBERG. Mr. President, I rise today to recognize April 28, 2008, as the first annual "Denim Day" in New Jersey.

Each year, Denim Day is observed in communities across the country to raise awareness and educate the public about rape and sexual assault. The observance was created in response to an appalling 1998 decision of the Italian

Supreme Court. In that decision, the court overturned a rape conviction because the victim was wearing tight jeans at the time of the attack and must have helped her rapist remove them. Women and men around the world were rightly outraged by the verdict, and wearing jeans on Denim Day has become an international symbol of protest, calling attention to the horrible crime of rape and the destructive attitudes that prevent sexual assault victims from receiving justice.

Every 2 minutes, someone in the United States is sexually assaulted. Despite its prevalence, sexual assault is one of the most underreported crimes in the world, meaning many attackers never spend a day in prison for their offenses. Denim Day in New Jersey will send a strong and powerful message that sexual assault is always wrong.

I hope this observance will encourage more sexual assault victims to come forward and hold their attacker accountable, as well as provide some comfort to the victims of sexual assault, who will know that they are not alone.

Once again, I would like to recognize April 28, 2008, as "Denim Day" in New Jersey and reiterate my strong support for observing this important day.

HONORING OUR ARMED FORCES

CORPORAL KYLE WESTON WILKS

Mr. PRYOR. Mr. President, I join Arkansans today in mourning the loss of Cpl Kyle Weston Wilks of Rogers, AR. He paid the ultimate sacrifice to stand up for democracy and peace. We are grateful for Corporal Wilks' service to our Nation and we will honor his memory. I know his family and friends will remember this fallen hero's great smile and penchant for life, including playing sports and watching Razorback football and NASCAR.

A marine with the 24th Marine Expeditionary Unit since September 2004, Corporal Wilks helped with the evacuation of Beirut in 2006 and most recently served in Afghanistan. During this time, Corporal Wilks was awarded the Good Conduct Medal, Humanitarian Service Medal, Global War on Terrorism Service Medal, Global War on Terrorism Expeditionary Medal, National Defense Service Medal, and the Sea Service Deployment Ribbon.

Before his second deployment, Corporal Wilks visited New York to see Ground Zero, which reaffirmed his commitment to military service and his country. He was a true patriot who planned to use his training as a military policeman to begin a career in law enforcement.

Mr. President, Arkansas has now lost over 70 soldiers in the wars in Iraq and Afghanistan. As long as I serve in public office, I will work to honor their service, live up to their courage, and protect the principles they fought to preserve.

Corporal Wilks has said his parents, Randy and Kathy Wilks, were his heroes. My prayers are with them, as well as his sister Makayla, during this difficult time.

LILLY LEDBETTER FAIR PAY ACT

Mr. SALAZAR. Mr. President, I wish today to strongly support the Lilly Ledbetter Fair Pay Act, which would clarify the laws against pay discrimination. I would like to thank Senator KENNEDY, chairman of the Health, Employment, Labor and Pensions Committee, for his leadership on the bill. He has been a tireless champion for civil rights and I applaud his work.

Mr. President, we as Americans are bound by a powerful idea—a revolutionary idea—that our nation is a work in progress. It is an idea etched in the words of the Constitution: “to form a more perfect union.” It is an idea that has inspired some of our Nation’s greatest achievements—abolishing slavery, banning segregation, and expanding voting rights. It is an idea that brings the best out of our public service.

This week in the Senate we have an opportunity to take another important step along our path of progress—to make our union more perfect.

It is no secret that pay gaps exist in our country. Gender, race, national origin, age, disability, or religion should not have any effect on a worker’s pay. But, sadly, they do. Nationally, women earn 77 cents for every dollar that men earn. In Colorado, women earn 79 cents for every dollar that men earn. The inequities are even clearer when you break the numbers in Colorado down by ethnicity. On average, African-American women earn 61.2 percent of what White men earn. Asian-American women earn 68.4 percent; Hispanic women earn 52.4 percent; and Native American/Alaskan Native women only earn 54.7 percent of what White men earn.

These pay disparities persist partly because women still occupy fewer high-paying jobs than men. But they also persist because of continued pay discrimination in the workplace. We have laws on the books to make pay discrimination illegal, but those laws can be improved.

Lilly Ledbetter’s case is a classic, and tragic, example. Ms. Ledbetter worked for the Goodyear Tire and Rubber Company in Gadsden, AL, for 19 years. She was a manager, a position predominately occupied by men at the company. After early retirement, Ms. Ledbetter learned, from an anonymous note, that male managers at the company were making 20 to 40 percent more than she was making in the same job.

So Ms. Ledbetter took Goodyear to court. The jury found that the company violated her rights under title VII of the Civil Rights Act of 1964. They awarded her back pay and damages.

The Court of Appeals for the Eleventh Circuit, however, reversed the dis-

trict court decision. They said that Ms. Ledbetter filed her case too late. They said she needed to file her complaint within 180 days after the alleged unlawful employment practice occurred.

Rightly, Ms. Ledbetter appealed to the U.S. Supreme Court. In its 5-to-4 decision, the Supreme Court held that the 180-day statute of limitations begins when the original discriminatory act occurs. Whether the worker even knew that the discriminatory decision was made is of no consequence. Whether they were discriminated against for 1 or 20 years is also insignificant under the Court’s majority decision.

It is critical to understand the profound impact of the Court’s decision. If an employee cannot challenge a discriminatory paycheck beyond the 180 days that the employer made the discriminatory decision, companies that discriminate cannot be held accountable for their actions. Six months after a discriminatory action, the bad actor is in the clear. This was certainly not the intent of Congress when it enacted the Civil Rights Act of 1964.

In her dissenting opinion, Justice Ginsburg raised a good question and a matter of common sense. How was Ms. Ledbetter supposed to know, and therefore complain, when she was first given a lower raise than her male counterparts? Goodyear, like many employers, kept salaries and raises confidential.

The Lilly Ledbetter Fair Pay Act would correct this injustice. The bill would amend title VII of the Civil Rights Act of 1964 and other civil rights laws to make clear that the 180-day statute of limitations on a pay discrimination claim, based on gender, race, national origin, religion, age or disability, would restart every time an employee receives any wages or benefits affected by the discriminatory act. This was the law of the land for decades, with the exception of three States, until the U.S. Supreme Court decision, *Ledbetter v. Goodyear*.

The Lilly Ledbetter Fair Pay Act should receive the unanimous support of this body. We should all agree on the principle of ‘equal pay for equal work.’ We should all agree that pay discrimination has no place in a 21st century America. And we should all agree that when there is a clear problem with the existing law, we should correct it.

We have come a long way over the last 2½ centuries toward opening the doors of opportunity to every American. But ours is a nation still in progress, and our Union can still be perfected.

I urge my colleagues to support this bill.

Ms. SNOWE. Mr. President, I rise today to speak in strong support of the Fair Pay Restoration Act, S. 1843,—and I am proud to be an original cosponsor of this bipartisan measure, introduced by Senator KENNEDY and supported by 40 of my colleagues in the Senate. This bill would rightly provide victims of workplace gender discrimination with the reasonable timeframe they deserve

to file discrimination suits under Federal law—while restoring longstanding precedent that was regrettably reversed by the U.S. Supreme Court last year.

I firmly believe that America should be a global leader on issues related to gender discrimination and equal pay, but with its decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, the Supreme Court telegraphed entirely the wrong message to the rest of the world about the value of equal pay for equal work—and ignored the realities of pay discrimination. Furthermore, with the economy in crisis, gas prices sky-high, and housing values falling, it is all the more critical we not lose vital ground on fair pay.

It is no secret that women play a substantial leadership role in our Nation—we are business leaders, entrepreneurs, politicians, mothers, and much more. But regrettably, wage discrimination still exists and has remained constant for many years. In 1963, the year of the Equal Pay Act’s passage, full-time working women were paid 59 cents on average to the dollar received by men. In 2004, more than 40 years later, women were only paid 77 cents for every dollar earned by men.

What is even more troubling is that, according to a National Academy of Sciences report, between one-third and one-half of the wage disparities between men and women cannot adequately be explained by differences in experience, education, or other legitimate qualifications. And notably, this wage discrimination exists despite the passage of the Equal Pay Act that made it illegal to pay women less than men for performing equal work.

Wage discrimination also continues to exist despite the 1964 Civil Rights Act, which outlawed discrimination in employment and wages on the basis of sex, race, color, religion, and national origin. This pernicious injustice continues despite Congress passing the 1991 Civil Rights Act, which I strongly supported, along with most of my colleagues on both sides of the political aisle.

As a former cochair of the Congressional Caucus for Women’s Issues, I have been a longtime advocate in the pay equity debate. As some of my colleagues may remember, in 1984, Representative Claudine Schneider, R-RI, Representative Nancy Johnson R-CT, and I wrote to the Reagan administration asking that it prevent the Justice Department from weighing in against *AFSCME v. Washington*, which supported the concept of pay equity. And as a Member of the House of Representatives, I repeatedly introduced bipartisan resolutions that would have established a commission to study compensation practices in Congress from 1984 to 1993. It is therefore simply unconscionable to imagine that in this day and age, wage-setting practices are still being affected by historical gender biases resulting in the undervaluation of work and low pay for women.

Sadly, the Supreme Court's decision in *Ledbetter* will make it virtually impossible for women workers to close the wage gap and to receive the remedies they deserve when they are discriminated against. This decision represents an enormous step backward for women and for any person alleging pay discrimination.

Lilly Ledbetter's story poignantly coupled with this unfortunate ruling reminds us that wage discrimination persists across our Nation. It is therefore long past time we reversed the Supreme Court's decision in *Ledbetter* and clarified that laws against pay discrimination apply to every paycheck or other compensation a worker receives. And Senator KENNEDY's Fair Pay Restoration Act would reestablish a fair rule for filing claims of pay discrimination based on race, national origin, gender, religion, age or disability.

This bipartisan measure would also impose a reasonable time limit for filing pay discrimination claims and would start the clock for filing pay discrimination claims when compensation is received, rather than when the employer decides to discriminate. Each discriminatory paycheck would restart the clock for filing a pay discrimination claim and as long as workers file their claims within 180 days of a discriminatory paycheck, their charges will be considered timely. This measure would restore the precedent applied by nine courts of appeals and the Equal Employment Opportunity Commission in pay discrimination cases until the Supreme Court's May 29, 2007. It would also maintain the current limits on the amount employers owe.

The bill would also restore congressional intent, by mirroring language prohibiting discriminatory seniority systems, which was included in the landmark Civil Rights Act of 1991. The bill was signed by President George H. W. Bush in 1991, and I was pleased to support this measure which passed with overwhelmingly bipartisan support.

Some contend this bill would "exacerbate the existing heavy burden on the courts by encouraging the filing of stale claims" . . . that it would allow employees to bring a claim of pay or other employment-related discrimination years or even decades after the alleged discrimination occurred. That is simply an exaggeration. The fact is—employers would not have to adjust for salary differences that occurred decades ago. Current law limits back pay awards to 2 years before the worker filed a job discrimination claim under title VII of the Civil Rights Act of 1964, and this bill would not change this 2-year limit on back pay.

I cannot overstate my support for the Fair Pay Restoration Act, and I encourage my colleagues in the Senate to vote for this legislation tomorrow to ensure equal pay for women and minorities in the workforce. Discrimination of any kind in the workplace should not be tolerated. It is time the law reflected that.

Thank you, Mr. President, I request unanimous consent that a copy of my

remarks be included in the CONGRESSIONAL RECORD.

ADDITIONAL STATEMENTS

HONORING RETIRED MAJOR D. BROCK FOSTER

• Mr. BROWN. Mr. President, I wish to honor the service of a great American—U.S. Air Force retired MAJ D. Brock Foster.

A native of Ohio who served his country in World War II, Korea, and Vietnam, Major Foster demonstrated uncommon courage while flying as an A-1 Skyraider during a rescue mission near the Ho Chi Minh Trail on June 28, 1968. At great risk to his personal safety, Major Foster remained in the rescue area amid heavy antiaircraft artillery and enemy fire to make repeated passes to protect the rescue helicopter. Major Foster's selfless heroism enabled the successful rescue of the Navy pilot who had been encircled by hostile forces for more than 39 hours.

Nearly 40 years later, Major Foster is receiving long overdue recognition for his sacrifice and valor and will be awarded the Distinguished Flying Cross. Given to those who distinguish themselves in aerial flight by taking heroic actions above and beyond the call of duty, the Distinguished Flying Cross is a fitting recognition of Major Foster's unwavering dedication to the service of the United States.

I am proud to honor this great Ohioan. His heroic actions and dedication to the U.S. Air Force and his fellow servicemen are an inspiration to all Americans.●

WORKER EDUCATION

• Mr. SMITH. Mr. President, today I highlight the importance of acknowledging and celebrating extraordinary efforts by Americans who have led the way in protecting and preserving America's natural resources. I am honored to congratulate three educational institutions in my State of Oregon, Columbia Gorge Community College, Lane Community College and the Oregon Institute of Technology.

Recently, Columbia Gorge Community College received \$1.6 million to support the college's community-based job training program to develop skilled technicians for renewable energy facilities such as wind, solar, hydropower and biofuels production. The funding is part of the Department of Labor's Community-Based Job Training Grant Initiative to help community colleges provide area students and workers with the skills needed to stay competitive in up-and-coming industries. The program is the only one of its kind on the west coast. Just in the Pacific Northwest, developers of wind energy facilities will need 300-500 additional workers in the next decade. Since the fall of 2007, Columbia Gorge Community College has offered a 1-year Certificate and a 2-year Associate of Applied Science Degree in Renewable Energy Technology.

Lane Community College in Eugene, OR was recently commended for their certificate and 2-year degree programs which train students in energy management and renewable energy. Graduates of the program are in high demand by renewable energy companies. Lane Community College is quickly gaining recognition as a national leader in sustainability and has won five awards in the past 2 years, including the Campus Sustainability Leadership Award from the Association for the Advancement of Sustainability in Higher Education, and the Outstanding College Recycling Program Award from the National Recycling Coalition.

The Oregon Institute of Technology, OIT, also has earned distinction for offering the Nation's first 4-year undergraduate degree program in renewable energy. The Institute is on track to graduate the first class of students this year. Graduating students can seek employment in variety of fields including design, engineering, installation, auditing and programming within the renewable energy sector. Additionally, OIT is working to become the only college campus in the world to be completely powered by geothermal energy.

I believe that we have a responsibility to encourage efforts to increase the availability of renewable energy and conserve our natural resources. Oregon continues to build on a long history of innovation in environmental policy and practice. These community colleges are leading the way in educating these workers and providing highly skilled workers to the rapidly expanding renewable energy sector in our State and the Nation. I commend them for their efforts and pledge my full support as they move forward.●

COMMENDING WAUKESHA HOME DESIGN CENTER

• Ms SNOWE. Mr. President, this week is National Small Business Week, a time to celebrate the critical role small businesses play in powering our economy. Indeed, as ranking member of the U.S. Senate Committee on Small Business and Entrepreneurship, I am constantly reminded of how crucial small businesses are to maintaining our economic vitality. Nationally, small firms represent 99.7 percent of all businesses and have generated 60 to 80 percent of net new jobs over the past decade. On occasion, one of these small businesses goes above and beyond the call of social responsibility with an act of true thoughtfulness and generosity. Michael Costigan and the employees of the Waukesha Home Design Center in southeastern Wisconsin recently answered this call to action and made a difference in their community.

The story begins several weeks ago, when a selfish individual posing as a worker stole a television from the Zablocki Veterans Affairs Medical Center in Milwaukee, WI. This was a cowardly

and despicable act, and I hope that the perpetrator is brought to justice. After the theft, elderly and sick veterans at the center were preparing to adjust to watching their favorite movies, TV shows, and Milwaukee Brewers games on an older and smaller television, until a local businessman heard what had happened on the radio.

Michael Costigan, the general manager of the Waukesha Home Design Center and a veteran himself, was incensed by this incident, and decided to take action. He and the company's 25 employees, many of whom are also veterans, immediately made arrangements to donate a 52-inch flat-panel high-definition television to the Veterans Center. Just this morning, Mr. Costigan and other employees personally delivered the television to a group of ecstatic veterans, who will no longer suffer because of the inconsideration of another. I am pleased to hear that the residents have already set up their Nintendo Wii to play bowling.

I am highlighting this compelling story on the Senate floor today because of the example it sets for each and every one of us. The company has only been in business since November of last year, but they have already made a lasting impression on their local area. While we in Congress must do all that we can to support our nation's heroic and patriotic veterans, it is good to see that there are individuals and businesses caring for those who have given so much to defend our country's freedoms. My heartfelt gratitude and appreciation goes out to Michael Costigan and the Waukesha Home Design Center's employees for their work of selflessness and charity, and I wish them a bright future in all of their endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 and a withdrawal 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 1:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 2634. An act to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States

and the international financial institutions by low-income countries, and for other purposes.

H.R. 3033. An act to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the government-wide suspension and debarment system.

H.R. 3721. An act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building".

H.R. 3928. An act to amend the Federal Funding Accountability and Transparency Act of 2006 to require certain recipients of Federal funds to disclose the names and total compensation of their most highly compensated officers, and for other purposes.

H.R. 4185. An act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building".

H.R. 5479. An act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building".

H.R. 5483. An act to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the "Private First Class David H. Sharrett II Post Office Building".

H.R. 5528. An act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building".

H.R. 5613. An act to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.

H.R. 5712. An act to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts.

H.R. 5819. An act to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 2903. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 322. Concurrent resolution recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

ENROLLED BILL SIGNED

At 6:11 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2903. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2634. An act to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 3033. An act to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3721. An act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3928. To amend the Federal Funding Accountability and Transparency Act of 2006 to require certain recipients of Federal funds to disclose the names and total compensation of their most highly compensated officers, and for other purpose; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4185. An act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5479. An act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5483. An act to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the "Private First Class David H. Sharrett II Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5528. An act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5819. An act to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5613. To extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.

S. 2920. A bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 24, 2008, she had presented to the President of the United States the following enrolled bill:

S. 2903. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

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-5913. A communication from the Under Secretary of Agriculture (Natural Resources and Environment), transmitting, pursuant to law, a report relative to the Department's proposal to accept a 160-acre donation from the Wilderness Land Trust; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5914. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metconazole; Pesticide Tolerances" (FRL No. 8360-5) received on April 23, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5915. A communication from the Deputy General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of action on a nomination for the position of Secretary of Agriculture, received on April 23, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5916. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraclostrobin; Pesticide Tolerance for Emergency Exemptions" (FRL No. 8359-7) received on April 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5917. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyazofamid; Pesticide Tolerances" (FRL No. 8360-4) received on April 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5918. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances" (FRL No. 8359-9) received on April 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5919. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, a report relative to acquisitions made from foreign entities; to the Committee on Appropriations.

EC-5920. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Defense Environmental Programs report for fiscal year 2007; to the Committee on Armed Services.

EC-5921. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5922. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting a document recently issued by the Agency entitled, "Lead Hazard Information Pamphlet; Notice of Availability"; to the Com-

mittee on Banking, Housing, and Urban Affairs.

EC-5923. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Changes in Maximum Mortgage Limits for Multifamily Housing" (RIN2502-AI62) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5924. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 18189) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5925. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 18197) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5926. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (73 FR 18188) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5927. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Procedures for Debt Collection" (Docket No. 47535-01-U) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5928. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (73 FR 17926) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5929. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-5930. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Transportation for Policy, received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5931. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Trip Limit Reduction for the Hook-and-Line Commercial Fishery for Gulf Group King Mackerel in the Southern Florida West Coast Subzone" (RIN0648-XG54) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5932. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (RIN0648-XG08) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5933. A communication from the Deputy Chief, Consumer and Governmental Af-

fairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers" (FCC 08-78) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5934. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Ash Fork and Paulden, Arizona" (MB Docket No. 07-220) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5935. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Clayton, Oklahoma" (MB Docket No. 07-227) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5936. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Various Rules Affecting Wireless Services" (WT Docket No. 03-264) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5937. A communication from the Attorney Advisor, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Universal Service Support for Health Care Providers—Eligibility" (FCC 08-47) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5938. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands; Reviewing of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands" (FCC 08-83) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5939. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Trip Limit Reduction for the Commercial Fishery for Golden Tilefish for the 2008 Fishing Year" (RIN0648-XG34) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5940. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and the Bering Sea Subarea for Vessels Participating in the BSAI Trawl Limited Access Fishery" (RIN0648-XG52) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5941. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management

Area" (RIN0648-XG70) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5942. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XG73) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5943. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Specification of Fiscal Year 2008 Total Allowable Catches for Eastern Georges Bank Cod, Eastern GB Haddock, and GB Yellowtail Flounder in the U.S./Canada Management Area" (RIN0648-AW13) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5944. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XG65) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5945. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XG62) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5946. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Ft. LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XG58) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5947. A communication from the Secretary of Energy, transmitting a legislative proposal intended to give the Department the authority to share Restricted Data in certain situations with persons not in possession of specific security clearances; to the Committee on Energy and Natural Resources.

EC-5948. A communication from the Chief Human Capital Officer, Office of the Secretary, Department of Energy, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Deputy Secretary, received on April 23, 2008; to the Committee on Energy and Natural Resources.

EC-5949. A communication from the Associate Deputy Secretary of the Interior, transmitting a draft bill entitled, "Pick-Sloan Missouri Basin Program Cost Reallocation Act of 2008"; to the Committee on Energy and Natural Resources.

EC-5950. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Regulatory Programs" (Docket No. VA-124-FOR) received on April 23, 2008; to the Committee on Energy and Natural Resources.

EC-5951. A communication from the Director, Regulatory Management Division, Envi-

ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Revisions to Particulate Matter Rules" (FRL No. 8559-7) received on April 23, 2008; to the Committee on Environment and Public Works.

EC-5952. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Whitefish PM10 Nonattainment Area Control Plan" (FRL No. 8552-4) received on April 23, 2008; to the Committee on Environment and Public Works.

EC-5953. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Section 110(a)(1) 8-Hour Ozone Maintenance Plan for the White Top Mountain, Smyth County, Virginia 1-Hour Ozone Nonattainment Area" (FRL No. 8559-6) received on April 23, 2008; to the Committee on Environment and Public Works.

EC-5954. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Redesignation of the Forest County Potawatomi Community Reservation to a PSD Class I Area" (FRL No. 8557-6) received on April 23, 2008; to the Committee on Environment and Public Works.

EC-5955. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions" (FRL No. 8559-5) received on April 23, 2008; to the Committee on Environment and Public Works.

EC-5956. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky; Tennessee Valley Authority Paradise Facility State Implementation Plan Revision" (FRL No. 8559-1) received on April 23, 2008; to the Committee on Environment and Public Works.

EC-5957. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Organic Liquids Distribution" (RIN2060-AO99)(FRL No. 8557-1) received on April 23, 2008; to the Committee on Environment and Public Works.

EC-5958. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for California" (FRL No. 8542-3) received on April 23, 2008; to the Committee on Environment and Public Works.

EC-5959. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Revised Definition of Substantially Similar Rule for Alaska" (RIN2060-AN94)(FRL No. 8557-8) received on April 23, 2008; to the Committee on Environment and Public Works.

EC-5960. A communication from the Director, Office of Congressional Affairs, Nuclear

Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Statement of Policy on Conduct of New Reactor Licensing Proceedings" (7590-01-P) received on April 17, 2008; to the Committee on Environment and Public Works.

EC-5961. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Significant New Use Rules on Certain Chemical Substances" (RIN2070-AB27)(FRL No. 8358-4) received on April 17, 2008; to the Committee on Environment and Public Works.

EC-5962. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Transportation Conformity Regulations" (FRL No. 8555-4) received on April 17, 2008; to the Committee on Environment and Public Works.

EC-5963. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Incorporation of On-Board Diagnostic Testing and Other Amendments to the Motor Vehicle Emission Inspection Program for the Northern Virginia Program Area" (FRL No. 8555-5) received on April 17, 2008; to the Committee on Environment and Public Works.

EC-5964. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Petition for Reconsideration and Withdrawal of Findings of Significant Contribution and Rulemaking for Georgia and for Purposes of Reducing Ozone Interstate Transport" (RIN2060-AN12)(FRL No. 8556-2) received on April 17, 2008; to the Committee on Environment and Public Works.

EC-5965. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Federal Implementation Plans for the Clean Air Interstate Rule in 12 States" (FRL No. 8556-1) received on April 17, 2008; to the Committee on Environment and Public Works.

EC-5966. 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 "Employer Comparable Contributions to Health Savings Accounts under Section 4980G" (RIN1545-BF97)(TD 9393) received on April 17, 2008; to the Committee on Finance.

EC-5967. A communication from the Assistant Director of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employee Leasing Arrangements" (Rev. Rul. 2008-23) received on April 17, 2008; to the Committee on Finance.

EC-5968. 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 "Applicable Federal Rates—May 2008" (Rev. Rul. 2008-24) received on April 23, 2008; to the Committee on Finance.

EC-5969. A communication from the Administrator, National Aeronautics and Space Administration, transmitting proposed legislation intended to permit the Administration to continue to procure Russian support for the International Space Station until suitable U.S. capabilities are in place; to the Committee on Foreign Relations.

EC-5970. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Millennium Challenge Corporation's activities during fiscal year 2007; to the Committee on Foreign Relations.

EC-5971. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Japan relative to the JCSAT-12 Commercial Communications Satellite; to the Committee on Foreign Relations.

EC-5972. A communication from the Secretary of Labor, transmitting proposed legislation intended to improve enforcement of the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Health, Education, Labor, and Pensions.

EC-5973. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002: Fiscal 2007 (March 2008)"; to the Committee on Homeland Security and Governmental Affairs.

EC-5974. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Compliance with the Government Managers Accountability Amendment Act of 1995 Has Been Incomplete and Inconsistent"; to the Committee on Homeland Security and Governmental Affairs.

EC-5975. A communication from the Director, U.S. Office of Government Ethics, transmitting a legislative proposal intended to modernize the financial disclosure process for Federal personnel; to the Committee on Homeland Security and Governmental Affairs.

EC-5976. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Performance Measurement System Needs Long-Term Stability and Commitment to Maximize Effectiveness"; to the Committee on Homeland Security and Governmental Affairs.

EC-5977. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 1st Quarter of Fiscal Year 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-5978. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2001 and 2002"; to the Committee on Indian Affairs.

EC-5979. A communication from the White House Liaison, National Institute of Justice, Department of Justice, transmitting, pursuant to law, the report of action on a nomination for the position of Director, received on April 23, 2008; to the Committee on the Judiciary.

EC-5980. A communication from the Secretary of Labor, transmitting, a draft bill intended to enhance the Department's ability to administer the H-2A foreign labor certification program; to the Committee on the Judiciary.

EC-5981. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting draft legislation intended to provide for the continued performance of the functions of the U.S. Parole Commission; to the Committee on the Judiciary.

EC-5982. A communication from the Chief Justice of the Supreme Court of the United

States, transmitting, pursuant to law, amendments to the Federal Rules of Bankruptcy Procedure that were adopted by the Court; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, with amendments and an amendment to the title:

S. 2433. A bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day (Rept. No. 110-331).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

H. Con. Res. 292. A concurrent resolution honoring Margaret Truman Daniel and her lifetime of accomplishments.

S. Res. 511. A resolution recognizing that John Sidney McCain, III, is a natural born citizen.

S. Res. 515. A resolution commemorating the life and work of Dith Pran.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. Bruce A. Litchfield, to be Brigadier General.

Air Force nominations beginning with Brigadier General C. D. Alston and ending with Brigadier General Mark S. Solo, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2008.

Air Force nomination of Maj. Gen. Dana T. Atkins, to be Lieutenant General.

Army nomination of Brig. Gen. Scott G. West, to be Major General.

Army nomination of Lt. Gen. Walter L. Sharp, to be General.

Army nomination of Lt. Gen. Ann E. Dunwoody, to be Lieutenant General.

Army nomination of Gen. David D. McKiernan, to be General.

Army nomination of Brig. Gen. Robert L. Caslen, Jr., to be Major General.

Army nomination of Maj. Gen. Mitchell H. Stevenson, to be Lieutenant General.

Army nomination of Maj. Gen. Frank G. Helmick, to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General Randolph D. Alles and ending with Brigadier General Michael R. Regner, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008. (minus 1 nominee: Brigadier General Melvin G. Spiese)

Marine Corps nomination of Brig. Gen. Darrell L. Moore, to be Major General.

Marine Corps nomination of Lt. Gen. Keith J. Stalder, to be Lieutenant General.

Marine Corps nominations beginning with Col. James M. Lariviere and ending with Col. Kenneth J. Lee, which nominations were received by the Senate and appeared in the Congressional Record on February 14, 2008.

Marine Corps nomination of Brig. Gen. Joseph F. Dunford, Jr., to be Lieutenant General.

Marine Corps nomination of Maj. Gen. John M. Paxton, Jr., to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Dennis J. Hejlik, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Richard F. Natonski, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Duane D. Thiessen, to be Lieutenant General.

Navy nomination of Rear Adm. John M. Bird, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Victor C. See, Jr., to be Rear Admiral.

Navy nominations beginning with Captain Douglass T. Biesel and ending with Captain Douglas J. Venlet, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008. (minus 1 nominee: Captain Terry B. Kraft).

Navy nomination of Rear Adm. (lh) Carol I. Turner, to be Rear Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with David M. Abel and ending with Michael M. Zwolve, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Air Force nominations beginning with Susan S. Baker and ending with Jon C. Welch, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with David A. Bargatze and ending with Aaron E. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Mark E. Allen and ending with Charles E. Wiedie, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Kerry M. Abbott and ending with William F. Ziegler III, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Richard T. Broyer and ending with Brian K. Wyrick, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with John T. Aalborg, Jr. and ending with Michael A. Zrostlik, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with David L. Babcock and ending with Wayne A. Zimmet, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Air Force nomination of Howard P. Blount III, to be Lieutenant Colonel.

Air Force nomination of Errill C. AVECILLA, to be Major.

Air Force nomination of Mark Y. Liu, to be Major.

Air Force nominations beginning with Bryce G. Whisler and ending with Timothy M. French, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2008.

Air Force nominations beginning with Phiet T. Bui and ending with Michael J.

Morris, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2008.

Army nominations beginning with Mario Aguirre III and ending with Scott B. Zima, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nominations beginning with Barry L. Adams and ending with Timothy M. Zegers, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nominations beginning with Kevin S. Anderson and ending with Rufus Woods III, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nominations beginning with Robert B. Allman III and ending with Richard F. Winchester, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nomination of Barry L. Shoop, to be Colonel.

Army nomination of Brian J. Chapuran, to be Major.

Army nomination of Gregory T. Reppas, to be Major.

Army nomination of Vanessa M. Meyer, to be Major.

Army nominations beginning with Thomas E. Durham and ending with Daniel P. Massey, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Army nominations beginning with Charles L. Garbarino and ending with Juan Garrastegui, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Army nominations beginning with Milton M. Ong and ending with Matthew S. Mower, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Army nomination of Craig A. Myatt, to be Lieutenant Colonel.

Army nomination of John C. Kolb, to be Colonel.

Army nomination of Kenneth D. Smith, to be Major.

Army nomination of John M. Hoppmann, to be Lieutenant Colonel.

Army nominations beginning with Amy M. Bajus and ending with Robert P. Vasquez, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Marine Corps nominations beginning with David G. McCulloh and ending with Paul W. Voss, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nomination of Thomas M. Cashman, to be Captain.

Navy nomination of Kelly R. Middleton, to be Lieutenant Commander.

Navy nomination of Theresa A. Fraser, to be Lieutenant Commander.

Navy nominations beginning with Lee R. Ras and ending with Elizabeth M. Solze, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008. (minus 6 nominees beginning with John M. Marmolejo)

Navy nomination of Aaron J. Beattie IV, to be Lieutenant Commander.

Navy nominations beginning with Kristian E. Lewis and ending with Luther P. Martin, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Samuel G. Espiritu and ending with Paul G. Scanlan, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Terry L. Buckman and ending with Thomas M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Mr. INOUE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of Trevor M. Hare, to be Lieutenant.

Coast Guard nomination of Susan M. Maitre, to be Lieutenant Commander.

By Mr. DORGAN for the Committee on Indian Affairs.

*Robert G. McSwain, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services, for the term of four years.

By Mr. LEAHY for the Committee on the Judiciary.

Michael G. McGinn, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2010.

Mark S. Davis, of Virginia, to be United States District Judge for the Eastern District of Virginia.

David Gregory Kays, of Missouri, to be United States District Judge for the Western District of Missouri.

Stephen N. Limbaugh, Jr., of Missouri, to be United States District Judge for the Eastern District of Missouri.

*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. HARKIN:

S. 2903. A bill to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008; considered and passed.

By Mrs. McCASKILL:

S. 2904. A bill to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. McCASKILL:

S. 2905. A bill to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Ms. STABENOW):

S. 2906. A bill to require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes; to the Committee on Finance.

By Mr. INOUE (for himself and Mr. STEVENS):

S. 2907. A bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself and Mr. COBURN):

S. 2908. A bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2909. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. BROWN):

S. 2910. A bill to require brokers to disclose and pay independent truckers for any fuel surcharges received from shippers that relate to fuel costs paid for by the truckers; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself and Mrs. MURRAY):

S. 2911. A bill to improve vaccination rates among children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, and Mr. MENENDEZ):

S. 2912. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2913. A bill to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; to the Committee on the Judiciary.

By Mr. VITTER:

S. 2914. A bill to ensure the safety of seafood and seafood products being imported into the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 2915. A bill to require the Commissioner of Social Security to issue uniform standards for the method for truncation of social security account numbers in order to protect such numbers from being used in the perpetration of fraud or identity theft and to provide for a prohibition on the display to the general public on the Internet of social security account numbers by State and local governments, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 2916. A bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN:

S. 2917. A bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. DURBIN, and Mr. LAUTENBERG):

S. 2918. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUE, Mr. SMITH, Mr. DORGAN, Mr. THUNE, Mr. PRYOR, and Ms. SNOWE):

S. 2919. A bill to promote the accurate transmission of network traffic identification information; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 2920. A bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. CRAPO):

S. Res. 530. A resolution designating the week beginning October 5, 2008, as "National Sudden Cardiac Arrest Awareness Week"; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. BOXER, Mr. LEVIN, Mr. DURBIN, Mr. INOUE, Mr. SANDERS, Mr. DODD, Mr. CASEY, Mr. LAUTENBERG, Mr. AKAKA, and Mr. JOHNSON):

S. Res. 531. A resolution supporting the goals and ideals of a National Child Care Worthy Wage Day; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. Res. 532. A resolution recommending that the Langston Golf Course, located in northeast Washington, DC, and owned by the National Park Service, be recognized for its important legacy and contributions to African-American golf history, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. DURBIN, Mr. DODD, Mr. OBAMA, and Mr. ISAKSON):

S. Res. 533. A resolution expressing the sense of the Senate regarding the political situation in Zimbabwe; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 34

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 34, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 661

At the request of Mrs. CLINTON, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 661, a bill to establish

kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1311

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1311, a bill to permanently prohibit oil and gas leasing in the North Aleutian Basin Planning Area, and for other purposes.

S. 1882

At the request of Mr. HAGEL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1882, a bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2059

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2254

At the request of Mr. COCHRAN, the name of the Senator from Mississippi

(Mr. WICKER) was added as a cosponsor of S. 2254, a bill to establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2420

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2420, a bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

S. 2485

At the request of Mr. TESTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2512

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2512, a bill to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2619, a bill to protect innocent

Americans from violent crime in national parks.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2689

At the request of Mr. SMITH, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2702

At the request of Mr. SALAZAR, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2753

At the request of Mr. MENENDEZ, the names of the Senator from Virginia (Mr. WEBB) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2753, a bill to protect consumers, and especially young consumers, from skyrocketing credit card debt, unfair credit card practices, and deceptive credit offers.

S. 2760

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wisconsin (Mr. KOHL) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2775

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2775, a bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons per-

forming services under contract with the United States Government as American employers for purposes of certain employment taxes and benefits.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2878

At the request of Mr. CORNYN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2878, a bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to provide for specified civil penalties for violations of that Act, and for other purposes.

S. 2895

At the request of Mr. DODD, the names of the Senator from Montana (Mr. TESTER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2895, a bill to amend the Higher Education Act of 1965 to maintain eligibility, for Federal PLUS loans, of borrowers who are 90 or more days delinquent on mortgage loan payments, or for whom foreclosure proceedings have been initiated, with respect to their primary residence.

S. RES. 482

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 482, a resolution designating July 26, 2008, as "National Day of the American Cowboy".

S. RES. 515

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 515, a resolution commemorating the life and work of Dith Pran.

S. RES. 523

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 523, a resolution expressing the strong support of the Senate

for the declaration of the North Atlantic Treaty Organization at the Bucharest Summit that Ukraine and Georgia will become members of the alliance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself and Ms. STABENOW):

S. 2906. A bill to require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise today to introduce the Agriculture Smart Trade Act along with my colleague Senator STABENOW. The goal of this legislation is to ensure that, as we consider the various free trade agreements that come before the Senate, we are taking a look at the big picture, including the increased risk of accidentally importing invasive pests or diseases and the ability for American agricultural producers to access new export markets once trade agreements are in effect. Our bill is supported by United Fresh, the national association of fruit and vegetable growers and processors, and the U.S. Apple Association.

The bill has two main components. First, it requires the Administration to send a report to Congress prior to the start of formal trade negotiations with a foreign nation detailing potential invasive pests and disease that could pose a risk to U.S. agriculture. Furthermore, this report must identify what additional agricultural inspectors and other personnel are needed to prevent these pests and diseases from being brought into the United States.

Second, the bill requires the Administration to disclose in the same report all sanitary and phytosanitary, or SPS, trade barriers that could unduly restrict export markets for American commodities. What we've seen in the past is that a trading partner will raise SPS barriers to prevent American products from entering their country. Some of these SPS barriers are not grounded in science are simply non-tariff trade barriers. As the Administration begins negotiations for a trade agreement, we all need to take a look at what kinds of SPS issues we have with potential trading partners. Are their SPS concerns based in science? We need to be sure that once an agreement is in effect, we will have access to those foreign markets as stipulated in the trade agreement.

I want to make clear that this bill does not in any way limit the President's authority to negotiate trade agreements under Fast-Track, nor does it prevent trade legislation from being considered by the Congress. What this bill does is provide the Senate and the House of Representatives with a more complete picture of what potential trade agreements involve beyond the obvious import and export quotas.

Regardless of how any senator feels about the free trade agreements that we review and debate, I think all of my colleagues will agree with me that increased international trade means an increased risk of importing bugs and diseases that have the potential to devastate our food sources, jeopardize the livelihoods of our farmers, and cost our states a fortune. We need to acknowledge the risk and put in place the best safeguards we can to prevent the accidental introduction of these harmful pests.

I am not merely speculating about the risk of invasive pests and disease. It is a fact that all of our States are battling insects and crop diseases and dreading the next outbreak. Most recently in Pennsylvania we discovered that the western part of our state is infested with the Emerald Ash Borer, an invasive beetle that was accidentally imported to the U.S. through Detroit via wooden shipping pallets from China. This beetle is costing our commercial nursery growers millions of dollars in lost stock. Senator STABENOW knows better than anyone how much money, time and other resources the Ash Borer has cost the States of Michigan, Illinois, Indiana, Ohio, and Pennsylvania. But that's just one example. Orange growers in Florida have spent the past decade fighting to contain and eradicate citrus canker, an invasive disease that causes citrus trees to produce less and less fruit until they prematurely die. And California and Texas have dealt with expensive eradication programs to deal with the Mediterranean fruit fly or "Med fly."

The list goes on and on. And there isn't a single State that has not been impacted by invasive pests or diseases. So I hope that my colleagues will support the Agriculture Smart Trade Act, and help us make smart decisions that will protect our growers and our economy while opening new export markets. Because that is what this bill is about—smart trade.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

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

S. 2906

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 "Agriculture Smart Trade Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **FREE TRADE AGREEMENT.**—The term "free trade agreement" means a trade agreement entered into with a foreign country that provides for—

(A) the reduction or elimination of duties, import restrictions, or other barriers to or distortions of trade between the United States and the foreign country; or

(B) the prohibition of or limitation on the imposition of such barriers or distortions.

(2) **INVASIVE AGRICULTURAL PESTS AND DISEASES.**—The term "invasive agricultural

pests and diseases" means agricultural pests and diseases, as determined by the Secretary of Agriculture—

(A) that are not native to ecosystems in the United States; and

(B) the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.

(3) **SANITARY AND PHYTOSANITARY MEASURE.**—The term "sanitary and phytosanitary measure" has the meaning given that term in the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)).

SEC. 3. REQUIREMENT FOR REPORTS BEFORE INITIATING NEGOTIATIONS TO ENTER INTO FREE TRADE AGREEMENTS.

(a) **IN GENERAL.**—Not later than 90 days before the date on which the President initiates formal negotiations with a foreign country to enter into a free trade agreement with that country, the President shall submit to Congress a report on—

(1) invasive agricultural pests or diseases in that country; and

(2) sanitary or phytosanitary measures imposed by the government of that country on goods imported into that country.

(b) **CONTENTS OF REPORT.**—The report required under subsection (a) shall include the following:

(1) **INVASIVE AGRICULTURAL PESTS AND DISEASES.**—With respect to any invasive agricultural pests or diseases in the country with which the President intends to negotiate a free trade agreement—

(A) a list of all invasive agricultural pests and diseases in that country;

(B) a list of agricultural commodities produced in the United States that might be affected by the introduction of such pests or diseases into the United States; and

(C) a plan for preventing the introduction into the United States of such pests and diseases, including an estimate of—

(i) the number of additional inspectors, officials, and other personnel necessary to prevent such introduction and the ports of entry at which the additional inspectors, officials, and other personnel will be needed; and

(ii) the total cost of preventing such introduction.

(2) **SANITARY AND PHYTOSANITARY MEASURES.**—With respect to sanitary or phytosanitary measures imposed by the government of the country with which the President intends to negotiate a free trade agreement on goods imported into that country—

(A) a list of any such sanitary and phytosanitary measures that may affect the exportation of agricultural commodities from the United States to that country;

(B) an assessment of the status of any petitions filed by the United States with the government of that country requesting that that country allow the importation into that country of agricultural commodities produced in the United States;

(C) an estimate of the economic potential for the exportation of agricultural commodities produced in the United States to that country if the free trade agreement enters into force; and

(D) an assessment of the effect of sanitary and phytosanitary measures imposed or proposed to be imposed by the government of that country on the economic potential described in subparagraph (C).

By Ms. SNOWE (for herself and Mr. BROWN):

S. 2910. A bill to require brokers to disclose and pay independent truckers

for any fuel surcharges received from shippers that relate to fuel costs paid for by the truckers; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise to introduce legislation that I believe is vital to the survival and competitiveness of our nation's trucking industry. For too long, our small business motor freight carriers, who struggle every day to make ends meet, have had their concerns ignored and neglected. Today, as the entire trucking industry faces monumental economic challenges spurred by skyrocketing, record-breaking oil prices and exorbitant and volatile fuel costs, not to mention a detrimental slow-down in the hiring of new drivers, our independent operators are having to contend with a devastating economic downturn and enduring business failures—the likes of which this country has not seen since 2000.

During the first quarter of 2008, nearly one thousand motor carriers failed, and they were not just trucking companies with two or three trucks, but the average number of vehicles numbered 45 trucks! As you can imagine, the financial impact is enormous, especially given that the Bureau of Transportation Statistics projects freight to grow by more than 70 percent by 2020. Forestalling action is not an option if we are to sustain our trucking industry which is an undeniable, economic lifeline of this nation.

That is why I have taken this opportunity to join with Senator BROWN in introducing the Trust in Reliable Understanding of Consumer Costs (TRUCC) Act which would provide our small business operators and carriers with the long-denied fairness that is owed to them. It is time that these hard-working men and women free from stranglehold of unscrupulous brokers and middle-men who charge shippers for fuel costs, but refuse to pass on those costs to operators who actually pay for the fuel. Our bill would provide not only a clear line-item delineating the fuel surcharge in the contracts provided to our small business carriers, but also would guarantee that the entity in the transaction—whether a shipper, broker, or driver—who absorbs the consistently-rising cost of fuel will become the recipient of the fuel surcharge.

To our measure's detractors who mischaracterize it, calling it among other things—outrageous, I want to remind them that our focus is on small business motor carriers which comprise more than 90 percent of the truck industry, and that these individuals continue to traverse the country, carrying consumer goods and propelling our economy forward in the process. And they do so, despite the constant challenges that are part and parcel of this occupation . . . brokers who obfuscate the amount or even existence of fuel surcharges to the benefit of their own coffers, the escalation of fuel prices, maintenance costs for their vehicles,

the long days or weeks of travel—sacrificing time away from their families in order to make a living, feed their families, and finance the education of their children. And so, Mr. President, I ask, how can we afford to turn a blind eye to the plight of these Americans whose livelihood is so integral to commerce in the great country? Merely wishing the problem away or simply keeping it out of sight and out of mind is neither tenable nor acceptable.

Make no mistake, not all brokers are bad actors, nor are all small business operators being exploited. That is precisely why the legislation Senator BROWN and I are offering today does not place onerous burdens on the logistics industry. We merely seek to ensure that an industry under siege on several fronts receives what its purveyors are rightfully entitled to—equitable treatment and a modicum of transparency. Is it too much to ask that they may see for themselves in a transaction who, if anyone, is receiving a fuel surcharge, and how much is being paid out for the cost of fuel? Is it too much to ask for an assurance that, if the motor carrier is willing to pay the high cost of fuel at the pump while transporting goods across this nation, that carrier will be reimbursed? The answer to both questions is a resounding, “No!” The solution to addressing this regrettable situation is our common-sense legislation the consideration of which is long overdue.

I urge all my colleagues who have small business motor carriers in their state to consider seriously this issue and lend their strong support to this welcomed legislation.

By Ms. MURKOWSKI (for herself and Mrs. MURRAY):

S. 2911. A bill to improve vaccination rates among children; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, today, I join with my colleague Senator MURRAY in introducing legislation that will help bolster childhood immunization in those parts of our country where immunization rates are much too low. Since the beginning of the 20th century, vaccines have completely eradicated the once frequent killer smallpox and almost eradicated polio. Vaccines save lives, avert communicable diseases and reduce health care spending for preventable diseases. We must continue in our efforts to achieve childhood immunization rates of 90 percent by 2010 and with passage of this bill, we can do just that.

Vaccines are one of the most effective tools for prevention of disease. According to the Centers for Disease Control and Prevention, for every \$1 spent on vaccines, America saves \$18.60 in both medical costs and societal costs. But more important than the cost saving is the weight and value we must place on ensuring that children are fully vaccinated. We must not lose one more child to a vaccine preventable

disease. Childhood vaccines prevent over 10 million cases of infectious illness and nearly 34,000 childhood deaths in America every year. Clearly, vaccines are a tried and true way to not only reduce health care costs, but also to keep our children healthy.

The legislation Senator MURRAY and I are introducing today authorizes funding for effective interventions recommended by the Task Force on Community Preventive Services and helps to achieve childhood immunization rates of 90 percent by 2010. First, the legislation authorizes additional funding for a demonstration program allowing Women, Infant and Children clinics, also known as “WIC” to play a greater role in childhood immunizations. This is achieved by recommending vaccines to WIC recipients, coordinating care or immunization services, or employing an immunization coordinator. More than 45 percent of U.S. infants receive benefits through WIC clinics. A 2002 study by the National Foundation for Infectious Diseases recommended coordinating government benefits to keep children up-to-date with their immunizations and noted that WIC programs have successfully accomplished this in numerous communities. Our legislation would enhance such efforts and would even go a step further to require that any grantee using these funds have access to the State Immunization Information System to better coordinate immunization screenings and services.

Second, this legislation authorizes additional funding for the Centers for Disease Control and Prevention to conduct public, age appropriate immunization awareness campaigns and immunization education and outreach activities. Research shows that outreach, coupled with the coordination of immunization and WIC clinics, can increase childhood immunization rates by of approximately 12 percent.

Lastly, this legislation establishes a sense of the Senate concerning the importance of electronic record coordination by both the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, CDC, and that these leaders should work together to improve the integration of immunization information systems with electronic medical records, health information systems, and health information exchanges.

Vaccine preventable diseases will continue to be a threat to our Nation's most vulnerable population if we do not ensure proper vaccination among infants. Through this legislation, we can work to achieve the Healthy People 2010 objective of vaccinating 90 percent of all children by age two. To take a quote from a former First Lady of the United States and a cofounder of the organization Every Child by Two “No child in America should have to get sick from a vaccine preventable disease. It's time for us to redouble efforts to protect the 20 percent of pre-

schoolers who are routinely not being immunized on time.” The Infant Immunization Improvement Act will be a vital first step to increasing vaccination rates and will serve as an important safeguard against the spread of communicable diseases. I would like to thank the Partnership for Prevention for their input on this legislation and the 156 members of the 317 Coalition for endorsing the Infant Immunization Improvement Act. I urge my colleagues to cosponsor this legislation—because leaving a single child unprotected is one too many.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2913. A bill to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I join once again with Senator HATCH to introduce a bill that will have a significant and positive impact on our cultural heritage. Hundreds of thousands of so-called “orphan works”—works that may be protected by copyright, but whose owners cannot be identified or located—are collecting dust. Despite tremendous interest in using these orphan works in new collections and new creations, they often languish unseen, because those who would like to bring them to light, and to the attention of the world, fear the prospect of prohibitively expensive statutory damages. In other instances, the copyright in an orphan work may have expired, but potential users lack the information to be certain of the propriety of going forward with its use.

The Shawn Bentley Orphan Works Act of 2008 will remedy this situation. It will help potential users of orphan works find the owners of those works, and it will help the owners to receive compensation. The works will no longer be orphans; their owners will reap the financial benefits of their use, while the public reaps the creative benefits. More creative works will be used, contributing to our cultural and artistic heritage, and more creators will receive compensation for use of their work.

Our legislation permits the use of an orphan work only if the potential user performs and documents a good faith search for the copyright owner. If users cannot locate and contact copyright owners, they may use the orphan work. But if copyright owners later make themselves known, and if users have performed a search that qualifies under this legislation, owners are entitled to reasonable compensation. The user will not be liable for full statutory damages in those circumstances, but if a user does not perform that good faith search, the user will face up to \$150,000 in statutory damages.

In practical terms, then, what does this mean? It means that a woman in Vermont can restore a wedding photograph of her grandparents, even if she

cannot locate the photographer to get permission to do so. It means that a library can display letters of American soldiers wrote during World War II, even if the library cannot contact the soldiers or their descendants. It means that museums can exhibit Depression-era photographs, even if they cannot determine the name of the photographer.

What this bill does not do is create a "license to infringe." In any of the above instances, if the users do not conduct a good faith search for the copyright owner, those users are in the same boat they are in now when it comes to infringement. This bill does not change the basic premise of copyright law: If you use the copyrighted works of others, you must compensate them for it. As an avid photographer, I understand what it means to devote oneself to creative expression, and I applaud anyone with the talent and commitment to make a living doing so. Orphan works are too important to our families, our communities, and our culture to go left unseen and unused.

I thank Senator HATCH for his help in developing this legislation, and I look forward to working with him to ensure that this bill becomes law. I am especially pleased to name this bill for Shawn Bentley. Several years ago, Shawn died, tragically young, but he left behind a legacy of affection and regard for all of us who knew him. He served Senator HATCH as a counsel for intellectual property, and it was he who first inspired this effort on orphan works. Naming this bill for him is a testament to his dedication to the issue, and his value to the Judiciary Committee.

I ask unanimous consent that the full bill text be included in the RECORD.

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

S. 2913

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 "Shawn Bentley Orphan Works Act of 2008".

SEC. 2. LIMITATION ON REMEDIES IN CASES INVOLVING ORPHAN WORKS.

(a) LIMITATION ON REMEDIES.—Chapter 5 of title 17, United States Code, is amended by adding at the end the following:

"§ 514. Limitation on remedies in cases involving orphan works

"(a) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) MATERIALS AND STANDARDS.—The term 'materials and standards' includes—

"(A) the records of the Copyright Office that are relevant to identifying and locating copyright owners;

"(B) sources of copyright ownership information reasonably available to users, including private databases;

"(C) industry practices and guidelines of associations and organizations;

"(D) technology tools and expert assistance, including resources for which a charge or subscription fee is imposed, to the extent that the use of such resources is reasonable for, and relevant to, the scope of the intended use; and

"(E) electronic databases, including databases that are available to the public through the Internet, that allow for searches of copyrighted works and for the copyright owners of works, including through text, sound, and image recognition tools.

"(2) NOTICE OF CLAIM FOR INFRINGEMENT.—The term 'notice of the claim for infringement' means, with respect to a claim for copyright infringement, a written notice that includes at a minimum the following:

"(A) The name of the owner of the infringed copyright.

"(B) The title of the infringed work, any alternative titles of the infringed work known to the owner of the infringed copyright, or if the work has no title, a description in detail sufficient to identify it.

"(C) An address and telephone number at which the owner of the infringed copyright may be contacted.

"(D) Information from which a reasonable person could conclude that the owner of the infringed copyright's claims of ownership and infringement are valid.

"(3) OWNER OF THE INFRINGED COPYRIGHT.—The 'owner of the infringed copyright' is the legal owner of the exclusive right under section 106, or any party with the authority to grant or license such right, that is applicable to the infringement.

"(4) REASONABLE COMPENSATION.—The term 'reasonable compensation' means, with respect to a claim for infringement, the amount on which a willing buyer and willing seller in the positions of the infringer and the owner of the infringed copyright would have agreed with respect to the infringing use of the work immediately before the infringement began.

"(b) CONDITIONS FOR ELIGIBILITY.—

"(1) CONDITIONS.—

"(A) IN GENERAL.—Notwithstanding sections 502 through 505, and subject to subparagraph (B), in a civil action brought under this title for infringement of copyright in a work, the remedies for infringement shall be limited in accordance with subsection (c) if the infringer—

"(i) proves by a preponderance of the evidence that before the infringement began, the infringer, a person acting on behalf of the infringer, or any person jointly and severally liable with the infringer for the infringement—

"(I) performed and documented a qualifying search, in good faith, for the owner of the infringed copyright; and

"(II) was unable to locate the owner of the infringed copyright;

"(ii) provided attribution, in a manner that is reasonable under the circumstances, to the owner of the infringed copyright, if such owner was known with a reasonable degree of certainty, based on information obtained in performing the qualifying search;

"(iii) included with the use of the infringing work a symbol or other notice of the use of the infringing work, in a manner prescribed by the Register of Copyrights;

"(iv) asserts in the initial pleading to the civil action the right to claim such limitations;

"(v) consents to the jurisdiction of United States district court, or such court holds that the infringer is within the jurisdiction of the court; and

"(vi) at the time of making the initial discovery disclosures required under Rule 26 of the Federal Rules of Civil Procedure, states with particularity the basis for the right to claim the limitations, including a detailed description and documentation of the search undertaken in accordance with paragraph (2)(A).

"(B) EXCEPTION.—Subparagraph (A) does not apply if, after receiving notice of the claim for infringement and having an oppor-

tunity to conduct an expeditious good faith investigation of the claim, the infringer—

"(i) fails to negotiate reasonable compensation in good faith with the owner of the infringed copyright; or

"(ii) fails to render payment of reasonable compensation in a reasonably timely manner.

"(2) REQUIREMENTS FOR SEARCHES.—

"(A) REQUIREMENTS FOR QUALIFYING SEARCHES.—

"(i) IN GENERAL.—For purposes of paragraph (1)(A)(i)(I), a search is qualifying if the infringer undertakes a diligent effort to locate the owner of the infringed copyright.

"(ii) DETERMINATION OF DILIGENT EFFORT.—In determining whether a search is diligent under this subparagraph, a court shall consider whether—

"(I) the actions taken in performing that search are reasonable and appropriate under the facts relevant to that search, including whether the infringer took actions based on facts uncovered by the search itself;

"(II) the infringer employed the applicable best practices maintained by the Register of Copyrights under subparagraph (B); and

"(III) the infringer performed the search before using the work and at a time that was reasonably proximate to the commencement of the infringement.

"(iii) LACK OF IDENTIFYING INFORMATION.—The fact that a particular copy or phonorecord lacks identifying information pertaining to the owner of the infringed copyright is not sufficient to meet the conditions under paragraph (1)(A)(i)(I).

"(B) INFORMATION TO GUIDE SEARCHES; BEST PRACTICES.—

"(i) STATEMENTS OF BEST PRACTICES.—The Register of Copyrights shall maintain and make available to the public, including through the Internet, current statements of best practices for conducting and documenting a search under this subsection.

"(ii) CONSIDERATION OF RELEVANT MATERIALS AND STANDARDS.—In maintaining the statements of best practices required under clause (i), the Register of Copyrights shall, from time to time, consider materials and standards that may be relevant to the requirements for a qualifying search under subparagraph (A).

"(3) PENALTY FOR FAILURE TO COMPLY.—If an infringer fails to comply with any requirement under this subsection, the infringer is subject to all the remedies provided in section 502 through 505, subject to section 412.

"(c) LIMITATIONS ON REMEDIES.—The limitations on remedies in a civil action for infringement of a copyright to which this section applies are the following:

"(1) MONETARY RELIEF.—

"(A) GENERAL RULE.—Subject to subparagraph (B), an award for monetary relief (including actual damages, statutory damages, costs, and attorney's fees) may not be made other than an order requiring the infringer to pay reasonable compensation to the legal or beneficial owner of the exclusive right under the infringed copyright for the use of the infringed work.

"(B) FURTHER LIMITATIONS.—An order requiring the infringer to pay reasonable compensation for the use of the infringed work may not be made under subparagraph (A) if the infringer is a nonprofit educational institution, museum, library, or archives, or a public broadcasting entity (as defined in subsection (f) of section 118) and the infringer proves by a preponderance of the evidence that—

"(i) the infringement was performed without any purpose of direct or indirect commercial advantage;

“(ii) the infringement was primarily educational, religious, or charitable in nature; and

“(iii) after receiving notice of the claim for infringement, and after conducting an expeditious good faith investigation of the claim, the infringer promptly ceased the infringement.

“(C) EXCEPTION TO FURTHER LIMITATION.—Notwithstanding the limitation established under subparagraph (B), if the owner of an infringed copyright proves, and a court finds, that the infringer has earned proceeds directly attributable to the use of the infringed work by the infringer, the portion of such proceeds attributable to such infringement may be awarded to the owner.

“(2) INJUNCTIVE RELIEF.—

“(A) GENERAL RULE.—Subject to subparagraph (B), the court may impose injunctive relief to prevent or restrain any infringement alleged in the civil action.

“(B) EXCEPTION.—In a case in which the infringer has prepared or commenced preparation of a work that recasts, transforms, adapts, or integrates the infringed work with a significant amount of the infringer's original expression, any injunctive relief ordered by the court—

“(i) may not restrain the infringer's continued preparation or use of that new work;

“(ii) shall require that the infringer pay reasonable compensation to the legal or beneficial owner of the exclusive right under the infringed copyright for the use of the infringed work; and

“(iii) shall require that the infringer provide attribution, in a manner that is reasonable under the circumstances, to the owner of the infringed copyright, if requested by such owner.

“(C) LIMITATIONS.—The limitations on injunctive relief under subparagraphs (A) and (B) shall not be available to an infringer if the infringer asserts in the civil action that neither the infringer or any representative of the infringer acting in an official capacity is subject to suit in the courts of the United States for an award of damages to the legal or beneficial owner of the exclusive right under the infringed copyright under section 106, unless the court finds that the infringer—

“(i) has complied with the requirements of subsection (b); and

“(ii) has made an enforceable promise to pay reasonable compensation to the legal or beneficial owner of the exclusive right under the infringed copyright.

“(D) RULE OF CONSTRUCTION.—Nothing in subparagraph (C) shall be construed to authorize or require, and no action taken under such subparagraph shall be deemed to constitute, either an award of damages by the court against the infringer or an authorization to sue a State.

“(E) RIGHTS AND PRIVILEGES NOT WAIVED.—No action taken by an infringer under subparagraph (C) shall be deemed to waive any right or privilege that, as a matter of law, protects the infringer from being subject to suit in the courts of the United States for an award of damages to the legal or beneficial owner of the exclusive right under the infringed copyright under section 106.

“(d) PRESERVATION OF OTHER RIGHTS, LIMITATIONS, AND DEFENSES.—This section does not affect any right, limitation, or defense to copyright infringement, including fair use, under this title. If another provision of this title provides for a statutory license that would permit the infringement contemplated by the infringer if the owner of the infringed copyright cannot be located, that provision applies instead of this section.

“(e) COPYRIGHT FOR DERIVATIVE WORKS AND COMPILATIONS.—Notwithstanding section 103(a), an infringer who qualifies for the lim-

itation on remedies afforded by this section with respect to the use of a copyrighted work shall not be denied copyright protection in a compilation or derivative work on the basis that such compilation or derivative work employs preexisting material that has been used unlawfully under this section.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding at the end the following:

“514. Limitation on remedies in cases involving orphan works.”.

SEC. 3. DATABASE OF PICTORIAL, GRAPHIC, AND SCULPTURAL WORKS.

(a) ESTABLISHMENT OF DATABASE.—

(1) IN GENERAL.—The Register of Copyrights shall undertake a certification process for the establishment of an electronic database that facilitates the search for pictorial, graphic, and sculptural works that are subject to copyright protection under title 17, United States Code.

(2) PROCESS AND STANDARDS FOR CERTIFICATION.—The process and standards for certification of the electronic database required under paragraph (1) shall be established by the Register of Copyrights, except that certification may not be granted if the electronic database does not contain—

(A) the name of all authors of the work, if known, and contact information for any author if the information is readily available;

(B) the name of the copyright owner if different from the author, and contact information of the copyright owner;

(C) the title of the copyrighted work, if such work has a title;

(D) with respect to a copyrighted work that includes a visual image, a visual image of the work, or, if such a visual image is not available, a description sufficient to identify the work;

(E) one or more mechanisms that allow for the search and identification of a work by both text and image; and

(F) security measures that reasonably protect against unauthorized access to, or copying of, the information and content of the electronic database.

(b) PUBLIC AVAILABILITY.—The Register of Copyrights—

(1) shall make available to the public through the Internet a list of all electronic databases that are certified in accordance with this section; and

(2) may include any database so certified in a statement of best practices established under section 514(b)(5)(B) of title 17, United States Code.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—With respect to works other than pictorial, graphic, and sculptural works, the amendments made by section 2 shall apply to infringements that commence on or after January 1, 2009.

(b) PICTORIAL, GRAPHIC, AND SCULPTURAL WORKS.—With respect to pictorial, graphic, and sculptural works, the amendments made by section 2 shall—

(1) take effect on the earlier of—

(A) the date on which the Copyright Office certifies under section 3 at least 2 separate and independent searchable, comprehensive, electronic databases, that allow for searches of copyrighted works that are pictorial, graphic, and sculptural works, and are available to the public through the Internet; or

(B) January 1, 2011; and

(2) apply to infringing uses that commence on or after that effective date.

(c) PUBLICATION IN FEDERAL REGISTER.—The Register of Copyrights shall publish the effective date described in subsection (b)(1) in the Federal Register, together with a notice that the amendments made by section 2 take effect on that date with respect to pictorial, graphic, and sculptural works.

(d) DEFINITION.—In this section, the term “pictorial, graphic, and sculptural works” has the meaning given that term in section 101 of title 17, United States Code.

SEC. 5. REPORT TO CONGRESS.

Not later than December 12, 2014, the Register of Copyrights shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the implementation and effects of the amendments made by section 2, including any recommendations for legislative changes that the Register considers appropriate.

SEC. 6. STUDY ON REMEDIES FOR SMALL COPYRIGHT CLAIMS.

(a) IN GENERAL.—The Register of Copyrights shall conduct a study with respect to remedies for copyright infringement claims by an individual copyright owner or a related group of copyright owners seeking small amounts of monetary relief, including consideration of alternative means of resolving disputes currently heard in the United States district courts. The study shall cover the infringement claims to which section 514 of title 17, United States Code, apply, and other infringement claims under such title 17.

(b) PROCEDURES.—The Register of Copyrights shall publish notice of the study required under subsection (a), providing a period during which interested persons may submit comments on the study, and an opportunity for interested persons to participate in public roundtables on the study. The Register shall hold any such public roundtables at such times as the Register considers appropriate.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Register of Copyrights shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the study conducted under this section, including such administrative, regulatory, or legislative recommendations that the Register considers appropriate.

SEC. 7. STUDY ON COPYRIGHT DEPOSITS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study examining the function of the deposit requirement in the copyright registration system under section 408 of title 17, United States Code, including—

(1) the historical purpose of the deposit requirement;

(2) the degree to which deposits are made available to the public currently;

(3) the feasibility of making deposits, particularly visual arts deposits, electronically searchable by the public for the purpose of locating copyright owners; and

(4) the impact any change in the deposit requirement would have on the collection of the Library of Congress.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the study conducted under this section, including such administrative, regulatory, or legislative recommendations that the Comptroller General considers appropriate.

By Mr. STEVENS (for himself,
Mr. INOUE, Mr. SMITH, Mr.
DORGAN, Mr. THUNE, Mr. PRYOR,
and Ms. SNOWE):

S. 2919. A bill to promote the accurate transmission of network traffic identification information; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, to help end the growing problem of phantom traffic, today I introduce the "Signaling Modernization Act of 2008." Senators INOUE, SMITH, DORGAN, THUNE, PRYOR, and SNOWE cosponsored this bill. Phantom traffic is a phone call sent over the telephone network without the identifying information carriers use to bill each other.

When I call home to Alaska, that call is transmitted over several different carriers. Phone companies charge each other for the use of their networks. The funds generated by these charges are particularly important to carriers in Alaska and throughout rural America. Phantom traffic prevents carriers from collecting the funds they are owed, impacting universal service and raising rates for rural customers.

It's time Congress pulled back the mask on phantom traffic to discover who or what is behind this problem that has plagued carriers for several years. The Federal Communications Commission is actively analyzing the issue, but it is time we find a solution.

Yesterday the Commerce Committee heard from a member of the National Telecommunications Cooperative Association from rural Missouri. He told us that 11 percent of their traffic did not have sufficient information for billing, causing them to lose about \$37 per line per year. This loss of revenue makes it more difficult for rural carriers to deploy broadband.

Our bill will require all calls from voice communications service providers to contain enough information to allow carriers to bill each other, including voice over internet protocol providers offering 2-way service and providers transiting the traffic between originating and terminating providers. Our bill also directs the FCC to establish rules implementing this requirement within 12 months of enactment, and gives it the authority to adopt enforcement provisions. Phantom traffic steals from rural carriers and customers. I hope Congress and the FCC will look at this issue closely and put an end to phantom traffic.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 530—DESIGNATING THE WEEK BEGINNING OCTOBER 5, 2008, AS "NATIONAL SUDDEN CARDIAC ARREST AWARENESS WEEK"

Mr. DORGAN (for himself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 530

Whereas sudden cardiac arrest is a leading cause of death in the United States;

Whereas sudden cardiac takes the lives of more than 250,000 people in the United States each year, according to the Heart Rhythm Society;

Whereas anyone can experience sudden cardiac arrest, including infants, high school athletes, and people in their 30s and 40s who have no sign of heart disease;

Whereas sudden cardiac arrest is extremely deadly, with the National Heart, Lung, and

Blood Institute giving it a mortality rate of approximately 95 percent;

Whereas, to have a chance of surviving an attack, the American Heart Association states that victims of sudden cardiac arrest must receive a lifesaving defibrillation within the first 4 to 6 minutes of an attack;

Whereas, for every minute that passes without a shock from an automated external defibrillator, the chance of survival decreases by approximately 10 percent;

Whereas lifesaving treatments for sudden cardiac arrest are effective if they can be administered in time;

Whereas, according to joint research by the American College of Cardiology and the American Heart Association, implantable cardioverter defibrillators are 98 percent effective at protecting those at risk for sudden cardiac arrest;

Whereas, according to the American Heart Association, cardiopulmonary resuscitation and early defibrillation with an automated external defibrillator more than double a victim's chances of survival;

Whereas the Yale-New Haven Hospital and the New England Journal of Medicine state that women and African Americans are at a higher risk than the general population of dying as a result of sudden cardiac arrest, yet this fact is not well known to those at risk;

Whereas there is a need for comprehensive educational efforts designed to increase awareness of sudden cardiac arrest and related therapies among medical professionals and the greater public in order to promote early detection and proper treatment of this disease and to improve quality of life; and

Whereas early October is an appropriate time to observe National Sudden Cardiac Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 5, 2008, as "National Sudden Cardiac Arrest Awareness Week";

(2) supports—

(A) the goals and ideals of National Sudden Cardiac Arrest Awareness Week; and

(B) efforts to educate people about sudden cardiac arrest and to raise awareness about the risk of sudden cardiac arrest, identifying warning signs, and the need to seek medical attention in a timely manner;

(3) acknowledges the critical importance of sudden cardiac arrest awareness to improving national cardiovascular health; and

(4) calls upon the people of the United States to observe this week with appropriate programs and activities.

SENATE RESOLUTION 531—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL CHILD CARE WORTHY WAGE DAY

Mr. MENENDEZ (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. BOXER, Mr. LEVIN, Mr. DURBIN, Mr. INOUE, Mr. SANDERS, Mr. DODD, Mr. CASEY, Mr. LAUTENBERG, Mr. AKAKA, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 531

Whereas approximately 63 percent of the Nation's children under age 5 are in non-parental care during part or all of the day while their parents work;

Whereas the early care and education industry employs more than 2,300,000 workers;

Whereas the average salary of early care and education workers is \$18,820 per year, and only ⅓ of these workers have health insurance and even fewer have a pension plan;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent per year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to the children's development;

Whereas the compensation of early childhood program staff should be commensurate with the importance of the job of helping the young children of the Nation develop their social, emotional, physical, and cognitive skills and helping them to be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources can be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible for all families;

Whereas additional training and education for the early care and education workforce is critical to ensuring high-quality early learning environments;

Whereas child care workers should receive compensation commensurate with their training and experience; and

Whereas the Center for the Child Care Workforce, a project of the American Federation of Teachers Educational Foundation, with support from the National Association for the Education of Young Children and other early childhood organizations, recognizes May 1 as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1, 2008, as National Child Care Worthy Wage Day; and

(2) calls on the people of the United States to observe National Child Care Worthy Wage Day by honoring early childhood care and education staff and programs in their communities.

SENATE RESOLUTION 532—RECOMMENDING THAT THE LANGSTON GOLF COURSE, LOCATED IN NORTHEAST WASHINGTON, DC, AND OWNED BY THE NATIONAL PARK SERVICE, BE RECOGNIZED FOR ITS IMPORTANT LEGACY AND CONTRIBUTIONS TO AFRICAN-AMERICAN GOLF HISTORY, AND FOR OTHER PURPOSES

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 532

Whereas the Langston Golf Course was designated for construction by the Department of the Interior in the 1930s as a safe and expanded recreational facility for the local and national African-American communities;

Whereas Langston Golf Course was named for John Mercer Langston, the first African-American Representative elected to Congress from the State of Virginia, and who also was a founder of the Howard University Law School;

Whereas the Langston Golf Course is believed to be the first regulation course in the United States to be built almost entirely on a refuse landfill;

Whereas Langston Golf Course has been placed on the National Register of Historic Places, and the Capitol City Open golf tournament has made Langston Golf Course its home for the past 40 years;

Whereas the first American-born golf professional of African-American ancestry was John Shippen, who was born circa 1878 in the Anacostia area of Washington, placed 5th in the second United States Open golf tournament in 1896 at 16 years old, and helped found the Capitol City Golf Club in 1925;

Whereas the Capitol City Golf Club, eventually renamed the Royal Golf Club and Wake Robin Women's Club, has historically promoted a safe golf facility for African-Americans in Washington, especially during an era when few facilities were available, and these 2 clubs remain the oldest African American golf clubs in the United States;

Whereas the Langston facility continues to provide important recreational outlets, instructional forums, and a "safe haven center" for the enhancement of the lives of the city of Washington's inner city youth;

Whereas the Langston Golf Course and related recreational facilities provide a home for the Nation's important minority youth "First Tee" golf instruction and recreational program in Washington;

Whereas Langston Golf Course's operations and its related facilities seek to increase course-based educational opportunities under the auspices of the National Park Service for persons under 18 years of age, particularly those from populations of the inner-city and historically under-represented among visitors to units of the National Park System;

Whereas the preservation and ecologically balanced enhancements via future public and private funding for the lands making up the 212 acres of the Langston Golf Course will contribute a positive benefit to the National Park System's Environmental Leadership projects program, the Anacostia River Watershed, the city of Washington, and the entire metropolitan area;

Whereas Federal funds for enhancements to the Langston course have perennially been promised but rarely provided, even after the designation of Langston Golf Course as a "Legacy Project for the 21st Century", and after significant private funding and contributions were committed and provided; and

Whereas the Langston Golf Course and related recreational facilities have traditionally provided additional quality of life value to all residents of Washington, DC, and will do more so once upgraded to meet its obvious athletic and historical promise: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Langston Golf Course, its general management, and the Royal Golf and Wake Robin Golf Clubs are to be commended for their historical and ongoing contributions to the local community and the Nation;

(2) the Director of the National Park Service and the Secretary of the Interior should give appropriate consideration to the future budget needs of this important park in the National Park System; and

(3) the Secretary of the Senate should transmit an enrolled copy of this resolution to the general manager of the Langston Golf Course.

SENATE RESOLUTION 533—EX-PRESSING THE SENSE OF THE SENATE REGARDING THE POLITICAL SITUATION IN ZIMBABWE

Mr. KERRY (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. DURBIN, Mr. DODD, Mr. OBAMA, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 533

Whereas, on March 29, 2008, parliamentary and presidential elections were held in Zimbabwe amid widespread reports of voting irregularities in favor of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) party and President Robert Mugabe, including, according to the Department of State, "production of far more ballots than there were registered voters...[and] the allowance of police in polling places";

Whereas official results showed that the opposition Movement for Democratic Change (MDC) won a majority of seats in the parliamentary elections, and independent monitors concluded based on initially posted results that MDC leader Morgan Tsvangirai received substantially more votes than President Mugabe in the presidential election;

Whereas, as of April 24, 2008, the Zimbabwe Electoral Commission has still not released the results of the presidential election, despite calls to do so by the African Union (AU), the European Union, the Government of South Africa, the Southern African Development Community (SADC), United Nations Secretary-General Ban Ki Moon, and the United States;

Whereas, on April 19, 2008, the Zimbabwe Electoral Commission officially commenced recounting ballots cast in 23 parliamentary constituencies, primarily in districts that did not support candidates affiliated with ZANU-PF;

Whereas, on April 21, 2008, British Foreign Secretary David Miliband stated that the ongoing recount was potentially a "charade of democracy" that "only serves to fuel suspicion that President Mugabe is seeking to reverse the results that have been published, to regain a majority in parliament, and to amplify his own count in the presidential election," and accused him of trying "to steal the election";

Whereas, the Government of Zimbabwe has arrested numerous members of the media and election officials, and over 1,000 Zimbabweans have reportedly been fleeing into South Africa every day, while forces loyal to the government have engaged in a brutal and systematic effort to intimidate voters;

Whereas, on April 20, 2008, the MDC released a detailed report showing that more than 400 of its supporters had been arrested, 500 had been attacked, 10 had been killed, and 3,000 families had been displaced, and Human Rights Watch reported on April 19, 2008, that ZANU-PF is operating "torture camps" where opposition supporters are being beaten;

Whereas United States Ambassador to the United Nations Zalmay Khalilzad stated on April 16, 2008, that he was "gravely concerned about the escalating politically motivated violence perpetrated by security forces and ruling party militias";

Whereas, while there is currently no international embargo on arms transfers to Zimbabwe, a Chinese ship carrying weapons destined for Zimbabwe was recently prevented from unloading its cargo in Durban, South Africa, and has been denied access to other ports in the region due to concerns that the weapons could further destabilize the situation in Zimbabwe;

Whereas Secretary of State Condoleezza Rice stated on April 17, 2008, that President Mugabe has "done more harm to his country than would have been imaginable... the last years have been really an abomination..." and called for the AU and SADC to play a greater role in resolving the crisis;

Whereas, the Department of State's 2007 Country Report on Human Rights Practices stated that, in Zimbabwe, "the ruling par-

ty's dominant control and manipulation of the political process through intimidation and corruption effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions occurred. State sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists"; and

Whereas annual inflation in Zimbabwe is reportedly running over 150,000 percent, unemployment stands at over 80 percent, hunger affects over 4,000,000 people, and an estimated 3,500 people die each week from hunger, disease, and other causes related to extremely poor living conditions: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to support the people of Zimbabwe, who have been subjected to incredible hardships, including violence, political repression, and severe economic deprivation, in their aspirations for a free, democratic, and more prosperous future;

(2) to call for an immediate cessation of politically motivated violence, detentions, and efforts to intimidate the people of Zimbabwe perpetrated by Zimbabwe's security forces and militias loyal to ZANU-PF;

(3) that the Zimbabwe Electoral Commission should immediately release the legitimate results of the presidential election and ratify the previously announced results of the parliamentary elections;

(4) that President Robert Mugabe should accept the will of the people of Zimbabwe in order to effect a timely and peaceful transition to genuine democratic rule;

(5) that regional organizations, including SADC and the AU, should play a sustained and active role in resolving the crisis peacefully and in a manner that respects the will of the people of Zimbabwe;

(6) that the United Nations Security Council should be seized of the issue of Zimbabwe, support efforts to bring about a peaceful resolution of the crisis that respects the will of the people of Zimbabwe, and impose an international arms embargo on Zimbabwe until a legitimate democratic government has taken power;

(7) that the United States Government and the international community should impose targeted sanctions against additional individuals in the Government of Zimbabwe and state security services and militias in Zimbabwe who are responsible for human rights abuses and interference in the legitimate conduct of the elections in Zimbabwe; and

(8) that the United States Government and the international community should work together to prepare a comprehensive economic and political recovery package for Zimbabwe in the event that a genuinely democratic government is formed and commits to implementing key constitutional, economic, and political reforms.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4576. Mr. AKAKA (for himself and Mr. BURR) proposed an amendment to the bill S. 1315, to amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.

SA 4577. Mr. WYDEN (for himself, Mr. BENNETT, Mr. GRASSLEY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 334, to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; which was referred to the Committee on Finance.

TEXT OF AMENDMENTS

SA 4576. Mr. AKAKA (for himself and Mr. BURR) proposed an amendment to the bill S. 1315, to amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes; as follows:

On page 12, beginning on line 8, strike "June 1, 2008" and insert "April 1, 2009".

On page 13, line 17, strike "January 1, 2008" and insert "January 1, 2009".

On page 14, line 9, strike "January 1, 2008" and insert "January 1, 2009".

On page 29, line 7, strike "October 1, 2007" and insert "October 1, 2008".

On page 29, line 12, strike "December 31, 2008" and insert "December 31, 2009".

On page 30, line 19, strike "December 31, 2008" and insert "December 31, 2009".

On page 35, line 22, add after the period the following: "The amendment made by the preceding sentence shall take effect on October 1, 2008, and shall expire on January 1, 2010."

On page 38, beginning on line 21, strike "the date of the enactment of this Act" and insert "April 1, 2009".

On page 41, line 16, strike "May 1, 2008" and insert "April 1, 2009".

On page 41, line 18, strike "May 1, 2008" and insert "April 1, 2009".

On page 41, line 24, strike "the date of the enactment of this Act" and insert "April 1, 2009".

On page 42, line 1, strike "the date of the enactment of this Act" and insert "that date".

On page 59, line 17, strike "October 1, 2007" and insert "October 1, 2008".

On page 62, line 22, strike "October 1, 2007" and insert "October 1, 2008".

On page 67, line 23, strike "October 1, 2007" and insert "October 1, 2008".

On page 71, beginning on line 9, strike "October 1, 2007, and ending on September 30, 2011" and insert "October 1, 2008, and ending on September 30, 2012".

On page 71, line 23, strike "March 31, 2011" and insert "March 31, 2012".

On page 72, line 3, strike "September 30, 2011" and insert "September 30, 2012".

On page 72, line 14, strike "fiscal years 2008 through 2011" and inserting "fiscal years 2009 through 2012".

On page 73, line 4, strike "fiscal year 2011" and insert "fiscal year 2012".

On page 75, beginning on line 22, strike "December 31, 2010" and insert "December 31, 2011".

SA 4577. Mr. WYDEN (for himself, Mr. BENNETT, Mr. GRASSLEY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 334, to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; which was referred to the Committee on Finance; as follows:

On page 7, line 18, strike the period and insert the following: "or an employer-sponsored health coverage plan described under section 103 offered by an employer."

On page 11, beginning on line 3, strike "offered through the HHA of the adult individual's State of residence".

On page 12, beginning on line 4, strike "offered through the HHA of the adult individual's State of residence".

On page 16, between lines 3 and 4, insert the following:

SEC. 103. HEALTH COVERAGE PLANS OFFERED BY EMPLOYERS.

(a) PLAN REQUIREMENTS.—

(1) IN GENERAL.—A health coverage plan described in section 105(h)(6) of the Internal Revenue Code of 1986 (relating to self-insured plans) that is offered by an employer shall be subject to—

(A) the requirements of subtitle B (except for subsections (a), (d)(2), and (d)(4) of section 111); and

(B) a risk-adjustment mechanism used to spread risk across all health plans.

(2) OTHER PLANS.—A health coverage plan that is not described in section 105(h)(6) of the Internal Revenue Code of 1986 that is offered by an employer shall be subject to the requirements of subtitle B (except for subsection (a) of section 111).

(b) DISTRIBUTION OF INFORMATION.—Employers that offer an employer-sponsored health coverage plan shall distribute to employees standardized, unbiased information on HAPI plans and supplemental health insurance options provided by the State HHA under section 502(b).

(c) PLANS OFFERED THROUGH EMPLOYERS.—An employer-sponsored health coverage plan shall be offered by an employer and not through the applicable State HHA.

On page 22, on line 13, insert "(including a risk-adjustment mechanism)" after "rating principals".

On page 102, line 19, insert "The preceding sentence shall not apply to any employer who has less than 10 employees." after "when paid".

On page 117, line 9, insert "(except for employer-sponsored health coverage plans described under section 103 offered by employers)" after "HHA".

On page 117, between lines 15 and 16, insert the following:

(4) make risk-adjusted payments to all health insurance issuers and employers offering a HAPI plan in such State to account for the specific population covered by the plan, in accordance with guidelines established by the Secretary;

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 9:30 a.m., in closed session to receive a briefing on a sensitive intelligence matter.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. AKAKA. 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 April 24, 2008, at 10 a.m., to conduct a committee hearing entitled "Turmoil in U.S. Credit Markets: Examining the U.S. Regulatory Framework Assessing Sovereign Investments."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold an Executive Session during the session of the Senate on Thursday, April

24, 2008, at 10:30 a.m., in Room 253 of the Russell Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold an Executive Session during the session of the Senate on Thursday, April 24, 2008, at 2:30 p.m., in Room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 10 a.m., in Room 215 of the Dirksen Senate Office Building, to hear testimony on "Tax Aspects of a Cap-and-Trade System."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 9:30 a.m. to hold a hearing on implementing smart power: setting an agenda for national security reform.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 2 p.m. to hold a hearing on international debt relief.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 4:45 p.m. to hold a briefing on a classified matter.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. AKAKA. 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, in order to conduct a hearing entitled "Restoring FDA's Ability to Keep America's Families Safe" on Thursday, April 24, 2008. The hearing will commence at 9:30 a.m. in Room 106 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized

to meet on Thursday, April 24, at 9 a.m. in Room 562 of the Dirksen Senate Office Building to conduct a business meeting on pending issues to be followed immediately by an oversight hearing on "Recommendations for Improving the Federal Acknowledgment Process."

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

COMMITTEE ON THE JUDICIARY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, April 24, 2008, at 10 a.m. in Room SD-226 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 24, 2008, at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 9:30 a.m. in order to conduct a hearing entitled, "Addressing Iran's Nuclear Ambitions."

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 2 p.m. in order to conduct a hearing entitled, "Beyond Control: Reforming Export Licensing Agencies for National Security and Economic Interests."

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "An Examination of the Delta-Northwest Merger" on Thursday, April 24, 2008, at 2 p.m., in Room SD-226

of the Dirksen Senate Office Building. The witness list is not yet available.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. AKAKA. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, April 24, 2008, at 2:15 p.m., in Room SD-366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jeryle Greene and Mindy Van Woerkom of my staff be granted the privilege of the floor for the duration of today's session.

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

Mr. KENNEDY. Mr. President, on behalf of Senator DODD, I ask unanimous consent that Pam Bradley, a fellow in Senator DODD's office, be granted floor privileges for the duration of consideration of the Genetic Information Non-discrimination Act.

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

FAA REAUTHORIZATION ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 383, H.R. 2881, the FAA Reauthorization Act of 2007, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the motion to proceed to Calendar No. 383, H.R. 2881, the FAA reauthorization bill:

Harry Reid, Daniel K. Inouye, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Daniel K. Akaka, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Richard Durbin, Ken Salazar, Sheldon Whitehouse, Max Baucus.

Mr. REID. Mr. President, I ask unanimous consent that on Monday, April 28, the Senate resume consideration of the motion to invoke cloture at 4:30, with the time until 5:30 equally divided and controlled between the two leaders or their designees; and that at 5:30 the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 2881, with the mandatory quorum call being waived.

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

AUTHORITY TO SIGN ENROLLED BILLS

Mr. REID. I ask unanimous consent the majority leader be authorized to sign duly enrolled bills and joint resolutions through the recess or adjournment of the Senate until Monday, April 28, of this year.

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

AWARDING THE CONGRESSIONAL GOLD MEDAL TO DAW AUNG SAN SUU KYI

Mr. REID. I ask unanimous consent that the Banking Committee be discharged from consideration of H.R. 4286.

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

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 4286) to award the Congressional Gold Medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights and democracy in Burma.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I rise today to note Senate passage of H.R. 4286, legislation that would award the Congressional Gold Medal to the jailed prodemocracy leader and Nobel Peace Prize Laureate Aung San Suu Kyi. The bill now goes to the President for his signature.

I am pleased to report that this legislation has enjoyed broad bipartisan support. Once again I am joined in this effort by my friend, the senior Senator from California. Senator FEINSTEIN and I introduced this legislation and it has 76 cosponsors. In this regard, I would like to thank Rich Harper of Senator FEINSTEIN's staff and Lucy Bean of my staff for their work on the bill.

When first established in 1776, the Congressional Gold Medal was given to military leaders for their achievements in battle. Since that time, it has become America's highest civilian honor, having been bestowed upon great friends of freedom such as Winston Churchill, Nelson Mandela and Martin Luther King, Jr. Granting Suu Kyi the Gold Medal would continue that same tradition of honoring heroism in the defense of liberty.

For more than 20 years, Suu Kyi's support for justice and democracy has placed her at odds with the tyranny and oppression of the Burmese junta, the State Peace and Development Council, SPDC. She and her supporters have combated the brutality of the junta with peaceful protest and resistance. She has chosen dignity as her weapon, and she has found allies around the world to aid her in her struggle.

Despite the efforts of Suu Kyi and her allies, the SPDC will soon place a sham constitution before the people of Burma for an up-or-down vote. This might sound democratic, but no one is fooled. This proposed constitution includes language that would forbid Suu

Kyi from holding public office. Criticism of the document is a criminal offense. The true intent behind the proposed constitution is not the expansion of democratic principles. Its true purpose is to legitimize and make permanent the military junta and its brutal tyranny.

By awarding Suu Kyi the Congressional Gold Medal, we in Congress are letting the world know that the American people stand with Suu Kyi and the freedom-loving people of Burma and against the junta and the illegitimate charter it is propounding.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, there be no intervening action or debate, and that all statements relating to the bill be printed in the RECORD.

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

The question is on the third reading and passage of the bill.

The bill (H.R. 4286) was ordered to a third reading, was read the third time, and passed.

NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mr. REID. I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. Res. 510 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 510) supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and all statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 510) was agreed to.

The preamble was agreed to.

The resolution, with its preambles, reads as follows:

Whereas cystic fibrosis is one of the most common life-threatening genetic diseases in the United States and one for which there is no known cure;

Whereas the average life expectancy of an individual with cystic fibrosis is 37 years, an improvement from a life expectancy in the 1960s where children did not live long enough to attend elementary school, but still unacceptably short;

Whereas approximately 30,000 people in the United States have cystic fibrosis, more than half of them children;

Whereas 1 of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas more than 10,000,000 Americans are unknowing, symptom-free carriers of the cystic fibrosis gene;

Whereas the Centers for Disease Control and Prevention recommend that all States consider newborn screening for cystic fibrosis;

Whereas the Cystic Fibrosis Foundation urges all States to implement newborn screening for cystic fibrosis to facilitate early diagnosis and treatment which improves health and life expectancy;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to people who have the disease;

Whereas innovative research is progressing faster and is being conducted more aggressively than ever before, due, in part, to the Cystic Fibrosis Foundation's establishment of a model clinical trials network;

Whereas, although the Cystic Fibrosis Foundation continues to fund a research pipeline for more than 30 potential therapies and funds a nationwide network of care centers that extend the length and quality of life for people with cystic fibrosis, lives continue to be lost to this disease every day;

Whereas education of the public about cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnosis; and

Whereas the Cystic Fibrosis Foundation will conduct activities to honor National Cystic Fibrosis Awareness Month in May 2008: Now, therefore, be it

Resolved, That the Senate—

(1) honors the goals and ideals of National Cystic Fibrosis Awareness Month;

(2) supports the promotion of further public awareness and understanding of cystic fibrosis;

(3) encourages early diagnosis and access to quality care for people with cystic fibrosis to improve the quality of their lives; and

(4) supports research to find a cure for cystic fibrosis by fostering an enhanced research program through a strong Federal commitment and expanded public-private partnerships.

REGARDING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 322.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 322) recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 322) was agreed to.

The preamble was agreed to.

Mr. REID. I would note that Senator LEVIN has agreed to lead the Senate delegation to this most important occasion. We appreciate very much his doing so. He is one of the senior Members of the Senate and chairman of the Armed Services Committee, an appropriate person to do this.

MEASURE READ THE FIRST TIME

Mr. REID. I understand that H.R. 5613 is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5613) to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.

Mr. REID. Mr. President, I ask for its second reading but then object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR MONDAY, APRIL 28, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, April 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, and that Senator DORGAN be recognized to speak for up to 30 minutes; that at 4:30 p.m., the Senate resume consideration of the motion to proceed to Calendar No. 383, H.R. 2881, FAA reauthorization, as under the previous order.

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

FAA REAUTHORIZATION

Mr. REID. Mr. President, I had the opportunity to meet this afternoon with unions representing different airline entities. I also met with the owners and operators of airlines. We have a real problem on our hands. Fuel costs are now approaching 50 percent of the costs of our commercial airlines—50 percent. It used to be that the No. 1 cost, of course, was labor, personnel, but that is not the way it is. It is approaching 50 percent.

We are spending billions and billions of dollars, and most of that money is going to places we would rather it not go, to countries that have certainly nondemocratic forms of government, and a number of them are doing some very bad things with the money we are sending.

We are going to approach this FAA reauthorization to try to direct attention to some of the issues we read about every day: 3,000 flights being canceled, airlines flying with improper equipment. We are going to do our very best to have a good debate. I hope we can proceed to this legislation. It is something that is so important for us to do as a country.

Mr. President, the cloture vote on the motion to proceed to the FAA reauthorization bill—I will again remind everyone—will be at 5:30 p.m. on Monday.

MEASURE READ THE FIRST TIME—S. 2920

Mr. REID. Mr. President, I think—I do not think—I am almost certain that S. 2920 is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2920) to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

ADJOURNMENT UNTIL MONDAY, APRIL 28, 2008, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Monday, April 28, 2008, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LYNDON L. OLSON, JR., OF TEXAS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2008, VICE HAROLD C. PACHIOS, TERM EXPIRED.

DEPARTMENT OF STATE

KRISTEN SILVERBERG, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID J. DORSETT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

STANLEY A. OKORO
MERYL A. SEVERSON III

To be lieutenant commander

COLEMAN J. BRYAN
BRIAN M. CAMERON
TED R. CAMPBELL
STEVE S. CHAN
JENNIFER M. COLOMBO
REBECCA J. EICK
BRIAN L. FELDMAN
KANTI R. FORD
MARION C. HENRY
JASON J. LUKAS
JOSEPH R. LYNCH
WEBB R. MCCANSE
KATHLEEN J. McDONALD
EDWARD J. MILLER
JOSHUA P. MOSS
DANIEL G. NICASTRI
STACEY C. QUINTERO
JAMISON R. RIDGELEY
DAVID B. ROSENBERG

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 24, 2008 withdrawing from further Senate consideration the following nomination:

C. BOYDEN GRAY, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

HONORING ED MOODY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mrs. BLACKBURN. Madam Speaker, this Thursday evening in Franklin, Tennessee, our community will gather to honor an extraordinary American. I ask my colleagues to join me in congratulating Ed Moody as he receives the Community Service Award from Williamson Christian College.

Ed Moody was born and raised in Kingston Springs, Tennessee. After serving in the Pacific Theater in World War II, he joined his brother in a tire re-treading business on Main Street in Franklin. That business would eventually relocate to Columbia Avenue and become an institution in our community, Moody's Tire & Auto Service.

Not content with running a business and raising a family, Ed embraced Rotary International and its motto of "service above self." In his 56 years of membership, Ed Moody has been a living example of Rotary's principles of encouraging service, promoting ethical conduct, applying the ideal of service in personal, business, and community life, and advancing understanding, goodwill and peace.

Madam Speaker, I ask my colleagues to join me in celebrating the life of Ed Moody and congratulating him and his family on this occasion. We would all do well to follow his example of leaving a small piece of the world better than we found it.

ARMENIAN GENOCIDE

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ROYCE. Madam Speaker, on April 24, 1915, the Ottoman Empire set out on a campaign to exterminate the Armenian people. Between 1915 and 1923, the numbers were horrific. One and a half million Armenians were murdered and 500,000 deported from their homelands. At the end of these eight years, the Armenian population of Anatolia and Western Armenia was virtually eliminated, becoming one of the 20th century's darkest chapters.

While acknowledging the role played by the Ottoman Empire in killing Armenians, some have laid doubt to the claim of genocide, citing the subsequent deportation of the survivors as merely a movement of a people from one land to another. Henry Morgenthau, the U.S. Ambassador to the Ottoman Empire from 1913–1916, saw it much differently. In his memoirs, Morgenthau recalls that the Turks, "never had the slightest idea of reestablishing the Armenians in (a) new country" knowing that "the great majority of those would . . . either die of thirst and starvation, or be murdered by the wild Mohammedan desert tribes."

I recall Morgenthau's words here because he saw first hand the atrocities wrought on the Armenians, and he had been told by Turks that they understood quite well that they had handed down a death sentence to the Armenian people. The Turks not only knew of what they were doing, but spoke quite freely of it. Eighty years later, however, many are still unwilling to recognize the killing for what it was: genocide.

The U.S. has long been a global leader in promoting human rights around the world. On the issue of the Armenian genocide, however, we lag behind. The French, Swiss, Swedish, Germans, and even the Russian governments recognize the Armenian genocide properly. As a global leader in human rights, it is imperative for the U.S. to stand on principle and recognize the annihilation of the Armenians.

However, it is no less important today to recognize the Armenian genocide for what it is. The deafening silence that came in its wake set the stage for a century that saw genocides occur in Europe, Africa, and Asia. While the Armenian genocide was the first of the 20th century, the blind eye cast to the slaughter of Armenians was a point used by Hitler who asked his joint chiefs of staff, "Who . . . speaks today of the [their] annihilation?"

To the critics who say that we should not dwell on history, I say it's much harder to get tomorrow right if we get yesterday wrong. The world's strength to oppose killing today is made greater by accountability, for actions present, but also past. It's weakened by denial of accountability of past acts. Not recognizing the Armenian genocide, as such, does just that.

THE OCCASION OF THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. McNULTY. Madam Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide. Today, April 24th, is the 93rd anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th Century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia,

and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, 'Ketse azat ankakh Hayastan'—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

EARTH DAY

SPEECH OF

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to recognize Earth Day.

On Earth Day, we celebrate the limitless gifts of our natural world—the incredible life-giving forces that sustain us through every single day of the year. It is all too easy to take the air we breathe, the water we drink, the earth we walk for granted. Today, we pause to recognize what precious gifts these are.

We need this reminder now more than ever. Our environment is fragile, threatened by global climate change, exploding demand for resources, and other serious challenges. Our future depends upon how we respond. Congress, the President, and every nation on the globe must commit to charting a new course toward sustainable and earth-renewing lives.

Earth Day reminds us that we must act to protect our environment not just out of obligation or self-preservation, but because it is simply the right thing to do for the next generation. We owe our children and grandchildren our strongest efforts to clean up pollution, preserve our wild spaces, and reduce the human footprint on our globe.

As Americans, we also owe a unique debt to Planet Earth. Our nation is responsible for 25% of the world's energy consumption—far more than our fair share. If we continue consuming at this rate as nations like India and China increase their resource demands, our planet will change forever in ways that will seriously impact all of our lives.

The United States must lead the urgent effort to find a different path. We must find ways

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to responsibly use the resources of our earth while simultaneously renewing our environment and making it stronger. We are more than up to the task—Americans have always been pioneers and innovators, and nature has always played a vital role in that frontier spirit. Our ancestors tamed the wilderness; now it is our challenge to sustain and preserve it.

In the 110th Congress, the House has passed historic legislation to protect our planet. We have acted to improve vehicle fuel efficiency, promote renewable sources of energy and invest in new energy-efficient technologies. In addition, we have proposed legislation to slow, stabilize and ultimately reverse greenhouse gas emissions. I urge the Bush Administration to partner with Congress and the American people to enact these bold proposals.

One of the greatest joys of my life has been sharing in the wonder of the natural world with my family, my friends, and especially my children. Whether a simple walk outside or a trek to the Alaska National Wildlife Refuge, these experiences have renewed my spirit.

Future generations deserve the same opportunity. This will only be possible if we fully embrace Earth Day's challenge to recognize the immense value of our environment and our planet. As we celebrate sprouting leaves, sunlight, spring, and all the splendor of nature, we also commit to ensuring that we can enthusiastically enjoy every Earth Day to come.

CONGRATULATING ANNA
CERVENAK AND MAX
BARTIKOWSKY, HONOREES OF
THE GREATER WILKES-BARRE
SOCIETY OF FELLOWS, ANTI-
DEFAMATION LEAGUE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my distinguished colleagues in the House of Representatives to pay tribute to Anna Cervenak and Max Bartikowsky, recipients of the Anti-Defamation League's Distinguished Community Service Award.

This award is presented to persons who are dedicated champions of human rights and have distinguished themselves by civic, philanthropic and other extraordinary activities.

Max Bartikowsky was born and raised in Wilkes-Barre, Pennsylvania. His celebrity began at an early age, being the impish inspiration for a shoeshine boy character called "Little Max" created by the famous cartoonist, Ham Fisher, who originated the "Joe Palooka" comic strip once syndicated in over 900 newspapers nationwide. Fisher was also a native of northeastern Pennsylvania.

Bartikowsky graduated from Wyoming Seminary after which he attended the University of Pennsylvania's Wharton School and Wilkes College. He served in the U.S. Navy from 1951 to 1955. He went on to complete the Gemological Institute of America's Diamond Grading Class after which he took an active role as the third generation in the Bartikowsky family jewelry business. Today, he is president and CEO of Bartikowsky Jewelers, currently celebrating 121 years in business.

Bartikowsky has been especially active with the Jewish Community Center (JCC) where he has served as president, a member of the board of trustees and the board of directors. He is a supporter of the JCC's Fitness Center, JCC Camp, JCC Basketball Banquet and the JCC 5:30 Club.

He also serves on the board of Temple Israel where his grandfather was the first president in 1924. He is a past president of the Wilkes-Barre Lions Club and Jewish Family Services and has been a member of Masonic Lodge 655, Caldwell Consistory, and Irem Temple for 50 years. He is also a supporter of Wyoming Seminary.

Bartikowsky has been honored by the Knights of the Saber, JCC 5:30 Club, Wyoming Valley Family Service Association and the Jewish Family Service. He was also featured in articles in the Outlook and Pennsylvania Heritage magazines.

Anna Cervenak graduated from Forty Fort High School and College Misericordia where she earned a bachelor of social work degree. She went on to Marywood University where she earned a master's degree in social work. A member of Alpha Sigma Lambda, Social Work Honor Society, she was elected to Who's Who Among Students in American Universities and Colleges.

Cervenak started her career at Bell of Pennsylvania while still in high school. She worked as an operator, in engineering, employment and as the company's public speaker. When she retired from Verizon in 2007, she was Director of Community Relations/Public Affairs.

A past president of Junior Achievement, she is currently a member of its board of directors. She is also a member of the board of directors of Penn's Northeast, Great Valley Technology Alliance, Pittston Chamber of Commerce, Wilkes-Barre Chamber of Business and Industry, Athena Award Committee, Victim's Resource Center, Catholic Youth Center, Catholic Social Services, King's College President's Council, Luzerne County Community College Foundation, Penn State-Wilkes-Barre, Step-By-Step, Boy Scouts of America, Blond Association, Circle 200 and the Mountain Laurel Center for the Performing Arts. Ms. Cervenak also chaired the Blue Ribbon Committee to save Tobyhanna Army Depot, Burn Foundation and the Jewish Family Service Advisory Board.

Her awards include Athena Award, Top 50 Business Women in Pennsylvania, Top Business Women in Northeastern Pennsylvania, Arthritis Foundation Community Leader of the Year, Susan B. Roebeling Distinguished Citizen Award, Wyoming Valley Woman's Pathfinder Award, NEPA Boy Scouts Woman of the Year Award.

Madam Speaker, please join me in congratulating Mr. Bartikowsky and Ms. Cervenak. Their extraordinary community service to northeastern Pennsylvania is both legendary and inspiring. They have clearly made a significant contribution to the improvement of the regional quality of life and, for that, we are all grateful.

EARTH DAY

SPEECH OF

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. SHULER. Mr. Speaker, I rise today to support H. Res. 1117, supporting the goals and ideals of Earth Day. On this day we are reminded of the importance of protecting our environment for generations to come.

Established in 1970, Earth Day commemorates the birth of the modern environmental movement. Thirty eight years ago today, 200 million Americans from coast-to-coast took to the streets to demonstrate the importance of environmental stewardship and conservation. Their voices are still heard today, as we continue to celebrate Earth Day globally.

We must act responsibly and expediently to protect our environment by addressing global warming. Scientists worldwide agree that global warming is a reality and its consequences will be devastating and far-reaching.

Protecting our environment is not only crucial for this generation, but for the many generations to come. By implementing environmentally responsible policies today, we will ensure that our children and grandchildren will have clean water to drink and clear air to breathe.

We must focus on developing renewable energy, reducing our dependence on fossil fuels, expanding access to sustainable resources, and increasing environmental consciousness. This Congress has taken great strides to these ends, but there is still much work to be done.

I ask my colleagues to join me in supporting the goals and ideals of Earth Day. May we continue to make environmental issues a top priority of the 110th Congress.

HONORING THE 100TH ANNIVERSARY OF EAGER FREE PUBLIC LIBRARY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor the Eager Free Public Library, EFPL, for 100 years of service to the people of Evansville, WI. Since the doors first opened a century ago, the Eager Free Public Library has been an invaluable and vital part of the community.

During the 1890s, Wisconsinites embarked on a movement to secure free public libraries around the State. However, few were as passionate and dedicated to the cause as Mr. Almeron Eager. Eager's passion for libraries was evident when he passed away in 1902. In his will, Mr. Eager bequeathed \$10,000 to the city of Evansville to construct a free public library in his name. The library's cost would end up exceeding \$10,000 but his surviving family members contributed money to cover the remaining cost. After several years of searching for the proper site, the first construction shovel finally pierced the ground in May 1907 and the library was dedicated in June 1908. The prairie school style of the

building would become a trademark design of Claude and Stark, the architects of the EFPL.

One hundred years later, the library still stands tall, in large part thanks to the vision of Almeron Eager. As a communitarian, Mr. Eager knew that free public libraries are the cornerstone of our democracy. A library brings hope and knowledge to our children, fosters intellectual freedom, and makes important information readily available to all citizens. The mission of EFPL, and so many others, to provide equal access to resources makes free public libraries critical to fulfilling the promise of a democratic society.

Not only do our free public libraries provide intellectual enrichment but they also serve as an important community gathering place. Through a wide range of programs including discussion groups, computer classes, and family events, EFPL has worked tirelessly to give every citizen the opportunity to fulfill their potential and become an active participant in our democracy.

For the past 100 years, these overarching goals have been the foundation of the library's distinguished reputation and unwavering commitment to equality and education. I am proud to join the residents of Evansville in honoring the family of Mr. Almeron Eager and celebrating the 100th anniversary of the Eager Free Public Library.

HOLDING NORTH KOREA ACCOUNTABLE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. STEARNS. Madam Speaker, in 2006 the world was alarmed when North Korea tested a nuclear device. Since then, North Korea has been pressured to reveal details about its nuclear program, but it has blatantly defied transparency deadlines and Six-Party talks have yielded few results.

North Korea has recently re-declared its intent to provide a "complete and correct" declaration of all its nuclear programs, but while the U.S. awaits this declaration, we shouldn't reduce the necessary pressure required to hold North Korea accountable to its promises.

The U.S. should not ease sanctions on North Korea until we have sufficient verification measures in place. Specifically, North Korea should not be removed from the list of state sponsors of terrorism until it accurately declares the number of nuclear weapons and the amount of fissile material it has. We must continue to insist on full transparency and not acquiesce to deceitful North Korean rhetoric.

HAPPY BIRTHDAY FOR DR. RONALD NUTT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. DUNCAN. Madam Speaker, I rise today to honor a Tennessean on his 70th birthday whose scientific accomplishments have had an incalculable impact on the medical community and our Nation.

In 1969, Dr. Ronald Nutt received a PhD in Electrical Engineering at the University of Tennessee. In the nearly 40 years which followed, he pioneered technology which has saved countless lives and brought distinction to East Tennessee and the University of Tennessee.

Even those who have never heard of Positron Emission Tomography (PET) probably know someone who has been helped by it. PET is a non-invasive technique which can map the entire body with molecular imaging.

Pioneered and internationally marketed by Dr. Nutt, PET is a critical tool today in medicine, and the method is widely used in the fields of oncology, cardiology, and neurology. PET has saved countless lives by innovatively detecting tumors, improving biopsies, and helping to determine the stage of a disease. The effect of PET scanning was so extraordinary, Dr. Nutt was named Distinguished Scientist of the Year in 1999 and received the TIME Magazine Medical Innovation of the Year honor in December 2000.

Dr. Nutt's lifetime of developing this technology has led to many other discoveries. He is the holder of dozens of patents in the field of electrical engineering, with many more still pending. Prior to his work on PET technology, Dr. Nutt took a products business from a single employee to a \$10 million a year business in the 1980s. Today, he sits on the board of directors of several companies and continues to be a leader in his field.

Dr. Nutt is not only an example of American ingenuity, but his work is also the benchmark for success in his field. His professional accomplishments are equal in scope only with his personal character and continued devotion to family, community, and many worthy causes.

Madam Speaker, in closing, I urge my colleagues to join me in celebrating the career of Dr. Ronald Nutt on the occasion of his 70th birthday. His work is far from over, but his impact is already certain.

INTRODUCTION OF A RESOLUTION TO OPPOSE THE IJC'S PROPOSED WATER LEVEL MANAGEMENT PLAN

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. McHUGH. Madam Speaker, I rise today to introduce a resolution concerning the International Joint Commission, IJC, and water level management on Lake Ontario and the St. Lawrence River. I am deeply disappointed that it has come to the point where such action by Congress is necessary.

I have the distinct privilege of representing the entirety of the American span of the St. Lawrence River, as well as a significant portion of Lake Ontario. As a native of the area, I cannot emphasize enough the importance of the selection of an appropriate water level management plan to my constituents who live, work, and vacation along Lake Ontario and the St. Lawrence River.

The Great Lakes represent the largest supply of fresh water on the planet and this vast supply of fresh water flows out to the saltwater of the Atlantic Ocean via the St. Lawrence River. However, following the completion of

the St. Lawrence Seaway and the Moses-Saunders Power Project in the 1950's, there was no choice but to come up with a plan for "artificially" regulating this outflow. Unfortunately, the current water level regulation plan, known as "1958 D with Deviations," has resulted in significant negative environmental impacts on fisheries and wildlife throughout the region I represent in Congress. For example, the current regime has resulted in the substantial derogation of at least 33,000 acres of wetlands, allowing a thick cattail monoculture to expand and replace large areas of biodiverse meadow marsh, resulting in the loss of habitat for a wide range of aquatic, avian, and upland species.

Since 2000, the IJC's International Lake Ontario St. Lawrence River, LOSL, study has spent more than \$20 million in taxpayer money to develop an approach to water level regulation that would best suit the environmental and economic needs of this vital natural resource. And, over the years, the IJC has devised plan after plan to achieve that goal—soliciting extensive public comment to fully vet these proposals with the residents who are most affected. Yet, for all of that effort, the IJC has chosen to waste years of research and millions of dollars in taxpayer money, in addition to ignoring significant amounts of public comment, by proposing a brand new water levels regime "Plan 2007." Moreover, I am very concerned that the lack of transparency in the IJC final development of "Plan 2007" was created in the shadows and with little or no outside input.

It is clear to anyone living in this region that the wrong approach to water level regulation can have significant negative impacts. We have all seen firsthand the devastating consequences that the existing regime has had on the environment. The status quo is simply unacceptable. We need a comprehensive and effective approach to regulate the water levels of both Lake Ontario and the St. Lawrence River. Thus, like many residents along the lake and river, I invested time and effort to support the approach I believed best met the environmental and economic requirements of the region—Plan B+. I believe B+ appropriately balances sound environmental principles with the needs of both residents and recreational boaters, while, at the same time, providing benefits for the Moses-Saunders Power Project.

Virtually every regional and environmental organization that has examined this process agree that Plan B+ is based on sound scientific principles and is the one approach that best meets all the needs of the various stakeholders. Unfortunately, despite the public vetting of three proposed plans, on March 28, 2008, the IJC released "Plan 2007," which had not previously been submitted to the public for comment or fully evaluated by the scientific community and the State of New York, as the proposed water level management plan for Lake Ontario and the St. Lawrence River.

Plan 2007 does little to improve the existing water level management plan, both in terms of environmental protection and hydropower generation. Further, lessons learned from the LOSL Study will be used for the Upper Great Lakes Study to examine water levels on the St. Claire River and Lakes Ontario and Huron.

Therefore, today, along with the Gentlewoman from Western New York, Mrs. SLAUGHTER, a co-chair of the Great Lakes Task Force

and trained biologist, I am introducing a resolution which calls on the Secretary of State to not approve Plan 2007. It further asks that the Secretary ensure that any plan which is adopted provide adequate environmental protection, maximize hydropower generation, and fully considers the views of the public and affected state governments.

For the record, I am including letters of support for this resolution from Alcoa-Massena Operations; Alliance for the Great Lakes; American Rivers; Audubon; Audubon New York; Buffalo Niagara Riverkeeper; Citizens Campaign for the Environment; Ducks Unlimited—Great Lakes Region; Environmental Advocates of New York; Freshwater Future; Georgian Baykeeper for Georgian Bay Association and Foundation; Great Lakes Sport Fishing Council; Great Lakes United; International Association for Great Lakes Research; International Water Level Coalition; Izaak Walton League—New York Division; Michigan United Conservation Clubs; Midwest Environmental Advocates; National Wildlife Federation—Great Lakes; Save the River/Upper St. Lawrence Riverkeeper; The Nature Conservancy—New York; The New York State Conservation Council; Thousand Islands Land Trust; and Wisconsin Council of Trout Unlimited.

I urge my colleagues to join with Mrs. SLAUGHTER and me as cosponsors of this resolution. I will continue to work with my colleagues and my constituents by using every legislative tool at my disposal to ensure that the St. Lawrence River and Lake Ontario continue to be vibrant natural resources for future generations.

ALCOA PRIMARY METALS/
GLOBAL HARD ALLOY EXTRUSIONS,
Massena, NY, April 22, 2008.

Congressman JOHN M. MCHUGH,
Rayburn Office Building,
Washington, DC.

DEAR CONGRESSMAN MCHUGH: As a major North Country employer dependent upon hydropower for our production operations, we have a strong interest in the future of the St. Lawrence River and have closely followed the debate over various water level regulation plans.

We concur with you that it is imperative a plan be adopted by the International Joint Commission that takes into account environmental considerations and the concerns of the public, while at the same time maximizing hydropower production. As you recognize, all three of these issues—environmental considerations, public concerns regarding recreational uses and hydropower—are closely linked to the economy of this region. A St. Lawrence River water level management plan should clearly address these concerns in consideration of the economic future of the North Country.

We fully support your resolution regarding a water levels management plan that takes these three issues into account.

Sincerely,

WESLEY OBERHOLZER,
Primary Location Manager,
Alcoa Massena Operations.

AMERICAN RIVERS,
Washington, DC, April 22, 2008.

Hon. JOHN M. MCHUGH,
House of Representatives, Rayburn House Office
Building, Washington, DC.

Hon. LOUISE MCINTOSH SLAUGHTER,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR REPRESENTATIVES MCHUGH AND
SLAUGHTER: On behalf of our 65,000 members

and supporters, I am writing in support of your resolution expressing the sense of the U.S. House of Representatives that the International Joint Commission (IJC) should adopt an appropriate water level management plan for Lake Ontario and the St. Lawrence River.

On April 17th, American Rivers named the St. Lawrence River as one of our Most Endangered Rivers of 2008. This annual report highlights the rivers of our nation that are facing the most uncertain futures. This year, the International Joint Commission has an opportunity to revise the deleterious 50-year-old water management plan for the Moses-Saunders Dam. The current plan has severely degraded river health and is threatening the river's lucrative tourism and recreation economy, and quality of life. The IJC must adopt a plan that provides 21st century solutions that benefit the millions of people who depend upon the river.

Research conducted by more than 180 scientists from the U.S. and Canada discovered that the current plan, which severely limits natural water level fluctuations, has significantly impacted the river environment. These conditions can be reversed by allowing the river to have a more natural flow as is proposed by Plan B+, a plan currently before the IJC. Plan B+ is widely supported by federal and state agencies, including the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Environment Canada and the New York Departments of Environmental Conservation and State, as well as numerous scientists, environmental groups, and federal, state and local lawmakers.

Thank you for introducing this resolution and for your leadership in ensuring that the most appropriate water level management plan is chosen for the Lake Ontario-St. Lawrence system.

Sincerely,

REBECCA R. WODDER,
President.

THE NATURE CONSERVANCY,
Albany, NY, April 21, 2008.

Congressman JOHN MCHUGH,
House of Representatives, Rayburn HOB, Wash-
ington, DC.

Congresswoman LOUISE SLAUGHTER,
House of Representatives, Rayburn HOB, Wash-
ington, DC.

DEAR CONGRESSMAN MCHUGH AND CON-
GRESSWOMAN SLAUGHTER: On behalf of the
65,000 members of The Nature Conservancy
in New York, I write in strong support of
your resolution on an environmentally sound
and economically beneficial regulation plan
for Lake Ontario and the St. Lawrence
River.

The 650-mile coastline of Lake Ontario and
the upper St. Lawrence River constitutes the
largest coastal environment in New York
State. Lake Ontario and the upper River har-
bor more than 64,000 acres of coastal wet-
lands, extensive barrier beaches, and other
coastal habitats that have been shaped over
thousands of years by the ebb and flow of the
lake and river.

Sound water management is an essential
step in preserving the ecological health of
freshwater ecosystems like Lake Ontario.
Healthy ecosystems enhance our quality of
life, and provide the foundation for a healthy
economy.

After six years of study, with stakeholder
consultation and exemplary science, the
International Joint Commission (IJC) has an
historic opportunity to exercise principles of
sound water management in the regulation
of Lake Ontario/St. Lawrence.

However, the proposed new regulation plan
released for public comment by the IJC—
Plan 2007—does not restore the 30-year cycles

that maintained the wetlands and dunes of
Lake Ontario's coast prior to advent of
water level regulation 50 years ago. The
IJC's own 6-year study demonstrated that
restoration of these age-old cycles could pro-
vide clear ecosystem benefits, and also eco-
nomic benefits to the people of the basin.

An alternative regulation plan that
achieves these benefits—Plan B+—was devel-
oped by the IJC study. The approach to
water management of Plan B+ is to mimic
Lake Ontario's natural hydrologic rhythm
while dampening the extremes of high and
low levels that can lead to economic dam-
ages.

By suggesting a pathway toward the much
greater environmental improvements of Plan
B+, the IJC recognizes the scientific basis for
the broad support this plan has received
from the State of New York and from federal
and state/provincial agencies and NGOs in
the U.S. and Canada.

Your resolution takes an important step
toward adoption of a regulation plan that
provides ecosystem benefits, addresses the
concerns of the public and the State of New
York, and increases the economic benefits
from hydropower production for all New
Yorkers. The Nature Conservancy thanks
you for your initiative in developing this res-
olution, and we will join with partner orga-
nizations to bring concerned citizens to the
public hearings in support of your efforts.

Sincerely,

KATHLEEN MOSER,
Acting State Director.

AUDUBON NEW YORK,
Albany, NY, April 21, 2008.

Hon. LOUISE SLAUGHTER,
House of Representatives, Rayburn House Office
Building, Washington, DC.

Hon. JOHN MCHUGH,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR CONGRESSWOMAN SLAUGHTER AND
CONGRESSMAN MCHUGH, On behalf of Audu-
bon New York and the National Audubon So-
ciety, we write to you today in strong sup-
port of your resolution calling for a strong,
environmentally sustainable water level
management regulation to be developed for
Lake Ontario and the St. Lawrence River.
This strong and timely resolution sends a
clear message that the environmental needs
of the Great Lakes Ecosystem must be ade-
quately addressed and protected before any
such regulation developed by the Inter-
national Joint Commission (IJC) is ap-
proved.

As you are aware, the Great Lakes are an
amazing natural resources that is critical
not only to the region's birds and other wild-
life, but to the economy and quality of life of
the 42 million people that live within its wa-
tershed. More than 300 different bird species
call the Great Lakes their home, but due to
a host of factors, especially the loss of coastal
wetland habitat, the populations of many
of these species are in serious decline.

Specifically in the Lake Ontario/St. Law-
rence River ecosystem, as your resolution
points out, over the last fifty years since the
IJC began regulating water levels we have
observed a fifty percent loss of coastal wet-
lands in the region. The loss of these impor-
tant habitats not only reduces nesting avail-
ability for many species of birds, but also re-
duces food availability through the loss of
important fish spawning grounds.

It is very unfortunate that the IJC has
missed this important opportunity to reverse
the decades of decline, and develop a regula-
tion that restores a more natural flow and
fluctuation of water levels in Lake Ontario
and the St. Lawrence River, which is needed
to sustain these important coastal eco-
systems. By ignoring the findings of their six

year, \$20 million study and proposing "Plan 2007", the IJC is proposing to maintain the status quo and change little from the current management plan. "Plan 2007" will not restore the natural cyclical rhythms of Lake Ontario and the St. Lawrence River as was proposed in "Plan B+", the widely supported management proposal developed in the IJC Study that would provide significant environmental improvements to the region.

Audubon New York and the National Audubon Society applauds your attention to the need to restore the coastal ecosystems of Lake Ontario and the St. Lawrence River, and strongly supports your resolution calling for the adoption of a regulation that provides ecosystem benefits, and addresses the concerns of the public and the State of New York. We thank you for your strong efforts on this critical issue, and look forward to working with you and our partners throughout the region to ensure a sound environmental plan is implemented.

Sincerely,

ALBERT E. CACCесе,
Executive Director.
JOHN FLICKER,
President.

DUCKS UNLIMITED,
Ann Arbor, MI, April 17, 2008.
Congressman JOHN MCHUGH,
House of Representatives, Rayburn HOB, Wash-
ington, DC.

Congresswoman LOUISE SLAUGHTER,
House of Representatives, Rayburn HOB, Wash-
ington, DC.

DEAR CONGRESSMAN MCHUGH AND CON-
GRESSWOMAN SLAUGHTER: On behalf of the
16,000 Ducks Unlimited members in New
York, I would like to thank you for your ini-
tiative on developing the resolution regard-
ing the water level management plan for
Lake Ontario and the St. Lawrence River. As
you know, DU has been engaged in this issue
for many years, and strongly encouraged the
International Joint Commission to adopt
Plan B+ for future water level management
of the Lake Ontario/St. Lawrence system. In
our scientific opinion, Plan B+ delivered the
best overall environmental, economic and
social benefits to all affected interests.

In our opinion, Plan 2007 as presented by
the IJC does not go far enough to remedy the
past management regime, nor look forward
enough to ensure multiple future benefits for
the majority of affected people and re-
sources. DU is mobilizing our membership to
be present at the public information sessions
and public hearings scheduled by the IJC so
that our voice will be heard.

Therefore, Ducks Unlimited supports your
bi-partisan House Resolution calling for the
IJC to increase the level of environmental
protections and benefits, fully consider the
views of the public and State of New York
when selecting the new plan, and maximize
hydropower production (in line with Plan
B+). Again, thank you for your leadership on
this issue, and rest assured that Ducks Un-
limited will be following this important en-
vironmental issue very closely.

Sincerely,

RAY WHITTEMORE,
Director of Conservation Programs.

APRIL 22, 2008.

Hon. JOHN MCHUGH,
House of Representatives,
Washington, DC.

Hon. LOUISE M. SLAUGHTER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MCHUGH AND CON-
GRESSWOMAN SLAUGHTER, We, the under-
signed organizations, are writing to express
our support for the house resolution you've
developed that urges the International Joint

Commission to adopt a water management
plan for the St. Lawrence River and Lake
Ontario that takes into consideration envi-
ronmental needs and the concerns of the
public and affected States and urges the Se-
cretary of State to reject any plan that does
not do so.

Since the completion of the Moses-Sau-
nders hydropower dam 50 years ago, the Lake
Ontario and St. Lawrence River ecosystems
have suffered consistent losses to their glob-
ally significant biodiversity due to unnatu-
ral and damaging water levels regulation.
The current, 50 year-old regulation scheme
has artificially constrained water levels, re-
sulting in considerable damage to more than
50% of the region's coastal wetlands and sig-
nificant impacts to many fish species and
nesting water birds.

After more than five years of study funded
by \$20-million taxpayer dollars, the IJC has
the information necessary to select a sci-
entific-based and publicly supported
management plan that would deliver signifi-
cant environmental improvements to the re-
gion. Instead, the IJC has turned its back on
the Lake and River environment by pro-
posing a plan—Plan 2007—that continues,
and perhaps even worsens, the environ-
mental destruction of the Lake and River.

In a time of unprecedented momentum to-
wards restoring the Great Lakes-St. Law-
rence system, the actions by the IJC that
would reverse restoration programs are un-
acceptable.

We applaud your efforts to ensure that the
environment of the St. Lawrence River and
Lake Ontario are protected from further
damage. By introducing and supporting this
resolution, you are sending a strong signal
to the International Joint Commission that
the status quo, which has resulted in the sig-
nificant losses of wetlands throughout the
River and Lake ecosystem, is not acceptable.

Sincerely,

Jennifer Caddick, Executive Director,
Save The River/Upper St. Lawrence
Riverkeeper; Joel Brammeier, Vice
President for Policy, Alliance for the
Great Lakes; April H. Gromnicki, Esq.,
Director, Ecosystem Restoration, Au-
dubon; Albert E. Caccese, Executive Di-
rector, Audubon New York; Julie M.
Barrett O'Neill, Esq., Riverkeeper and
Executive Director, Buffalo Niagara
Riverkeeper; Dereth Glance, Executive
Program Director, Citizens Campaign
for the Environment; Gildo M. Tori, Di-
rector of Public Policy, Ducks Unlim-
ited; Katherine Nadeau, Water & Nat-
ural Resources Program Associate, En-
vironmental Advocates of New York;
Jill Ryan, Executive Director, Fresh-
water Future; Mary Muter, Vice Presi-
dent, Environment, Georgian Bay-
keeper for Georgian Bay Association
and Foundation; Thomas Marks, NY
Director, Great Lakes Sport Fishing
Council.

John Jackson, Director, Clean Produc-
tion, Great Lakes United; Robert A.
Sweeney, PhD, Executive Director,
International Association for Great
Lakes Research; Nancy Foster, Se-
cretary, International Water Levels Co-
alition; Les Monostory, President, New
York Division, Izaak Walton League;
Robert M. Borchak, Director at Large,
Michigan United Conservation Clubs;
Karen M. Schapiro, Executive Director,
Midwest Environmental Advocates;
Andy Buchsbaum, Regional Executive
Director, National Wildlife Federation;
Harold L. Palmer, President, New York
State Conservation Council; Aaron R.
Vogel, Executive Director, Thousand
Islands Land Trust; Bill Pielsticker,
Legislative Chair, Wisconsin Council of
Trout Unlimited.

TAXPAYER ASSISTANCE AND SIMPLIFICATION ACT (H.R. 5719)

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. MCCOLLUM of Minnesota. Madam
Speaker, I rise in strong support of the Tax-
payer Assistance and Simplification Act (H.R.
5719). I want to thank Chairman RANGEL and
Subcommittee Chairman LEWIS for bringing
this legislation to the floor which modernizes
IRS functions by responding to recommenda-
tions by the Taxpayer Advocate.

The Taxpayer Assistance and Simplification
Act helps to simplify the tax process and pro-
tect taxpayers from abuses. It strengthens pro-
tection from identity theft and tax fraud by re-
quiring the IRS to notify taxpayers if it sus-
pects identity theft. H.R. 5719 also makes the
tax process simpler by eliminating an outdated
requirement for detailed records of calls made
on employer-provided cell phones. It strength-
ens outreach to ensure that working families
entitled to the Earned Income Tax Credit re-
ceive the refund they have earned and pro-
vides protections from predators.

H.R. 5719 helps to ensure tax fairness by
closing an offshore loophole that allows gov-
ernment contractors, who receive millions or
billions in taxpayers' dollars, to set up compa-
nies in foreign countries to avoid paying Social
Security and Medicare taxes. For example,
defense contractor KBR, has reportedly avoid-
ed paying over \$100 million in Social Security
and Medicare taxes by creating shell compa-
nies in the Cayman Islands.

This important bill also puts an end to the
use of private debt collection agencies to col-
lect Federal income taxes and ensure that this
critical government function is performed by
public servants on behalf of American tax-
payers. Despite aggressive tactics, contractors
only brought in a little more than half of what
it cost the IRS to implement the program. IRS
agents can do this more efficiently and ending
this program prevents the possible misuse of
confidential taxpayer information. Our constitu-
ents deserve to know that the person con-
tacting them on behalf of the Federal Govern-
ment is a public-servant, who is held to the
highest standards of accountability and con-
fidentiality, not a person whose paycheck de-
pends solely on the number of collections they
make.

I urge my colleagues to support the Tax-
payer Assistance and Simplification Act.

IN RECOGNITION OF THE GRAND OPENING OF THE DEPARTMENT OF VETERANS AFFAIRS COMMU- NITY-BASED OUTPATIENT CLINIC IN OKALOOSA COUNTY, FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. MILLER of Florida. Madam Speaker, it
is a great honor for me to rise today to recog-
nize the grand opening on April 25, 2008, of
the Department of Veterans Affairs Commu-
nity-Based Outpatient Clinic (CBOC) in
Okaloosa County, located in the First Con-
gressional District in Northwest Florida.

This momentous occasion has been a long time coming for the ever-growing veterans' population along Florida's Emerald Coast. With the highest veterans' population of any congressional district in the Nation, many of the residents of Okaloosa County and the immediate areas have had to drive significant distances for some of the most basic outpatient care from the VA. This area was identified years ago as an underserved area for VA healthcare, and was marked as a priority location for future VA construction. Now completed and ready to receive patients, this CBOC will alleviate travel time and provide efficient access to VA healthcare for those veterans.

Beautiful beaches, warm weather, and friendly neighbors encourage many to call the Florida panhandle "home." With five military installations in my district alone it is little wonder that active and retired military and nearly 110,000 veterans make up a tremendous portion of my constituency. While many already saw the need for improved access to VA care, it took a coordinated effort from many interested parties to make this event a reality. There was no doubt that this facility is what our area's veterans needed and deserved.

A co-sharing agreement between VA and the Department of Defense has been a huge factor in bringing about this moment. By using land on Eglin Air Force base, in close proximity to the base hospital, veterans using the VA clinic have access to various DoD resources and active servicemembers stationed there have access to part of the clinic's specialty care. In addition, the use of DoD land ensures that VA does not have to deal with finding and acquiring land, resulting in the best deal for taxpayers and veterans alike.

Madam Speaker, on behalf of the United States Congress, I would like to recognize the efforts of all who worked toward bringing this important facility to Okaloosa County, Florida. We have an eternal debt of gratitude to our servicemen and women, and this much-needed VA clinic is one way that we can begin to say thank you for ensuring that the liberty continues to shine a bright light over our country.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CAPUANO. Madam Speaker, I rise today to commemorate the 93rd anniversary of the Armenian genocide and to celebrate a people who despite murder, hardship, and betrayal have persevered.

Throughout three decades in the late nineteenth and early twentieth centuries, millions of Armenians were systematically uprooted from their homeland of three thousand years and deported or massacred. From 1894 through 1896, three hundred thousand Armenians were ruthlessly murdered. Again in 1909, thirty thousand Armenians were massacred in Cilicia, and their villages were destroyed.

On April 24, 1915, two hundred Armenian religious, political, and intellectual leaders were arbitrarily arrested, taken to Turkey and murdered. This incident marks a dark and solemn period in the history the Armenian people.

From 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate Armenians. In eight short years, more than 1.5 million Armenians suffered through atrocities such as deportation, forced slavery and torture. Most were ultimately murdered.

Many of our companions in the international community have already taken a final step towards healing and reconciliation. The European Parliament and the United Nations have recognized and reaffirmed the Armenian Genocide as historical fact, as have the Russian and Greek parliaments, the Canadian House of Commons, the Lebanese Chamber of Deputies and the French National Assembly. It is time for America to join the chorus and acknowledge the Armenians who suffered at the hands of the Ottoman Empire. And let me stress that I am not speaking of the government of modern day Turkey, but rather its predecessor, which many of Turkey's present day leaders helped to remove from power.

As I have in the past, as a member of the Congressional Armenian Caucus, I will continue to work with my colleagues and with the Armenian-Americans in my district to promote investment and prosperity in Armenia. And, I sincerely hope that this year, the U.S. will have the opportunity and courage to speak in support of the millions of Armenians who suffered because of their heritage.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WOLF. Madam Speaker, I rise today in remembrance of the 1.5 million men, women and children who were killed and the 500,000 survivors who were expelled from their homes during the Armenian Genocide. Today marks the 93rd anniversary of the beginning of a systematic effort carried out by the Ottoman Empire, which ultimately resulted in the elimination of ethnic Armenians from their historic homeland.

On April 24, 1915, the Ottoman authorities arrested approximately 250 Armenian intellectuals and community leaders in Istanbul. Following this episode, the military proceeded to round up hundreds of thousands of Armenians and force them to march hundreds of miles into present day Syria, denying them food and water along the way. Those that were not slaughtered and survived the treacherous journey were brutally raped and beaten along the way.

The root of this occurrence can be attributed to an official policy of discrimination, which culminated in genocide. I urge my colleagues to read Samantha Powers widely acclaimed book, *A Problem From Hell: America and the Age of Genocide*, which clearly describes this as genocide.

May we all take a moment to remember the victims of the Armenian Genocide, one of the most horrible tragedies of the 20th century. We remember, not so that we may dwell on the events of the past, but so that we may renew our personal commitments to never stand idly by and let such a tragedy happen again.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker. I wish to commemorate the 93rd anniversary of the Armenian Genocide. On April 23, 1915, the world suffered its first deliberate act of systematic mass murder of people of one culture by another—and the unspeakable crime of genocide was born. The massacre and mistreatment of approximately 1.5 million Armenians in the waning years of the Ottoman Empire epitomizes the depths of inhumanity that the human race is capable of.

Out of this wretched episode of history, we have made a determined effort to move beyond hatred, to recognize mistakes, and to prevent similar events from occurring in the future. It is our obligation to learn from lapses in moral judgment and forge safeguards for all oppressed, vulnerable, and subjugated peoples.

I would like to express my sympathy to the survivors and descendants of the Armenian Genocide. I hope we can all take time to reflect on this solemn day of remembrance.

HONORING TURKEY'S SHARED COMMITMENT TO SPREADING DEMOCRACY AND DEFEATING EXTREMISM

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WHITFIELD. Madam Speaker, I rise today to recognize a strong friendship that has proven enormously important since the beginning of the Cold War. Time and time again, the Republic of Turkey has stood firmly with the United States as we have pursued our shared goals in a region where we have few steady allies. Turkey, a fellow NATO country, is a vital partner in our fight against extremism and an example of a vibrant democracy in a region burdened with inequality.

Turkey's assistance in supporting combat operations in Iraq and Afghanistan has been instrumental in our efforts to bring opportunity and prosperity to millions of people. Its proximity to both countries has made it an ideal place to coordinate logistics and center supply routes. Over 74 percent of the air cargo that reaches American forces in Iraq passes through Incirlik Air Base in Southern Turkey, and around 4,000 trucks carrying fuel, food, and water cross into Iraq from Turkey every day.

The Turkish government also has provided over \$50 million for reconstruction efforts in Iraq, and another \$100 million for Afghanistan. Turkey has committed over 800 troops and assumed command of the North American Treaty Organization (NATO) Regional Command Center in Kabul. Their Provincial Reconstruction Team has trained over 1,900 members of the Afghan army, treated 650,000 patients at two fully equipped hospitals and four clinics, and educated 37,000 young minds at

the more than 30 schools it has constructed. In Iraq, Turkey's training programs for both Shiite and Sunni officials alike has been able to fill an important void in encouraging cooperation and reconciliation between the two rival factions.

Of course, our common bond goes deeper than mere military and political cooperation in Iraq and Afghanistan. We have in Turkey an ally that has proven it shares our commitment to spreading democracy, both within its own borders and amongst its neighbors. Their 70 million citizens have rejected an extremist version of Islam in favor of a secular, democratic government. Turkey also has been a valuable contributor to United Nations peacekeeping missions intent on halting the bloodshed in Sierra Leone, Liberia, and Sudan.

Madam Speaker, Turkey has earned our respect, friendship, and gratitude, and deserves recognition for its crucial assistance over the last 60 years. I look forward to strengthening this important relationship as we continue working toward our mutual interests.

TRIBUTE TO TORREL HUSKEY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise to honor the service and sacrifice of my constituent, Mr. Torrel Huskey. Mr. Huskey is a 91-year-old World War II veteran living in Kansas City, Kansas. In 1943, Mr. Huskey was assigned to the 3496th Quartermaster Brigade as a truck driver on the "Red Ball Express," ferrying men, supplies and equipment to the front lines of battle as part of Operation Overlord.

During these missions, Mr. Huskey often dodged obstacles such as barbed wire and land mines and repeatedly came under attack from enemy small arms fire, mortar fire, artillery barrages and strafing runs by the German Luftwaffe. It was during one of these attacks that Mr. Huskey was wounded from enemy mortar fire.

With shrapnel embedded in his legs, and at the insistence of his commanding officer, Mr. Huskey bandaged his own wounds and carried on with his duties. He continued driving, despite his wounds, risking death or permanent injury because that was his job—to keep the wheels of the battlefield moving forward as the Allies raced to the Rhine.

When the "Red Ball Express" ended in September 1944, Mr. Huskey was assigned the arduous task of locating hastily buried comrades and transporting them to the U.S. gravesites sprinkled throughout France, Belgium and elsewhere in Europe.

In June 2006, I was contacted by Mr. Huskey's oldest daughter, Lynda McClelland, with a request for assistance to obtain the Purple Heart medal for her father.

After nearly 2 years of researching medical records, reviewing morning reports and hearings before the Army Board for the Correction of Military Records, I learned that Mr. Huskey's files were destroyed during the 1973 fire at the National Personnel Records Center. There exists no record of Mr. Huskey's injuries or treatment for the wounds he sustained in action either in his medical records file or in

existing morning reports. Therefore, the recommendation for the award of the Purple Heart was denied.

It is a shame that Mr. Huskey is still without the Purple Heart Medal, despite the fact that the Department of Veterans Affairs has found Mr. Huskey to be service-connected for both Post Traumatic Stress Disorder and scars from the residuals of shrapnel embedded in his legs and knees.

It is for these reasons that I ask my colleagues to join me in honoring Mr. Torrel Huskey. Without the service and sacrifice of Mr. Huskey, and all of the men and women of the "greatest generation," our Nation would not be the resilient and flourishing country it is today. By continuing his mission, despite being wounded, Mr. Huskey lent great credit to himself, the Army Motor Transport Brigade and the United States of America.

HONORING NEIGHBORHOOD HOUSING SERVICES OF RICHLAND COUNTY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. KIND. Madam Speaker, I rise today to honor Neighborhood Housing Services, NHS, of Richland County for the 25 years of service this agency has provided to its communities. As America's first Rural NHS, Richland County has partnered with numerous entities in the areas of housing, insurance, and construction, allowing this agency to offer comprehensive services and assistance to area residents.

NHS of Richland County is able to revitalize communities and address current needs. Recent initiatives have addressed the mortgage crisis and the August 2007 flood in western Wisconsin. With interest rates rising and property values decreasing, many hardworking families have had an increasingly difficult time making their mortgage payments, thus now more than ever it is especially important that our local communities have the necessary resources to provide affordable housing for those who need it most.

NHS of Richland County responded to this need and in 2007 when in spite of this downturn in the housing market they assisted 81 households with loans and maintained a near zero percent foreclosure rate. NHS also created the Responsible Homeownership, R-HOME, initiative. This project is a comprehensive mortgage loan program created to better serve the needs of consumers with little or no credit history. In addition to the above endeavors, when the flood of August 2007 hit, NHS was part of local flood recovery effort in providing critical assistance to families.

Foreclosure prevention, homeownership seminars, flood recovery assistance and establishing renewable energy systems are just a few of the programs contributing to the success of Richland County's Neighborhood Housing Services. Since 1983, NHS of Richland County has responded and assisted over 3,000 households by building 39 affordable, energy-efficient homes, repairing more than 40 homes in the tornado stricken town of Viola, Wisconsin and constructing a 25-unit apartment complex for low-income seniors.

I applaud Neighborhood Housing Services of Richland County for providing invaluable

support for homeowners in western Wisconsin, being a leader to housing services around the country and most importantly, upholding their motto of "Neighbors Helping Neighbors."

HONORING REID COLLIANDER AND REID'S LEMON-AID RIDE FOR RESEARCH

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ROSKAM. Madam Speaker, it is my great pleasure to rise today to recognize an outstanding young man from my Congressional District, Reid Colliander, for his hard work and dedication to raising money for Children's Memorial Hospital Brain Tumor Research.

Reid was diagnosed with a brain tumor when he was just 7 years old. As a benefactor of brain tumor research, he underwent brain surgery and over 3 years of rehabilitation. Today Reid is happy, healthy, normal, and active in basketball and baseball.

Reid's journey did not end when he was cured. In 2005, he formed Reid's Lemon-AID stand, which seeks to raise money for brain tumor research at Children's Memorial Hospital in Chicago, Illinois, and develop a lifestyle for local youth of charity and service. To this date, Reid has raised over \$45,000.

As part of Lemon-AID, Reid, along with friends and family, visits several local communities to build awareness on the critical need for the funding of brain tumor research and to gain support for his organization.

More than 100 children, ranging in age from 5 to 12, have participated in various Reid's Lemon-AID fundraising events, learning citizenship and much more along the way.

One such event is the second annual Reid's LemonAid Ride for Research event. During this event, more than 100 kids will lead as many as 700 cyclists on a 5K bike ride through downtown Glen Ellyn, Illinois this Saturday April 19th.

This family fun bicycle ride is working to hit Reid's ultimate goal, \$1 million for research of brain tumors.

Reid Colliander truly has turned what was once a tragic moment in his life to an outstanding service project, benefiting many children who are stricken with brain tumors.

To honor Reid, I encourage my colleagues to sign onto H. Res. 424, a resolution that calls for the recognition of National Brain Cancer Awareness Month in May.

Madam Speaker and Distinguished Colleagues, please join me in congratulating Reid Colliander and all that he has done for brain tumor research.

RECOGNIZING THE 90TH ANNIVERSARY OF TILSNER CARTON COMPANY IN ST. PAUL, MINNESOTA

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise to honor Tilsner Carton Company of St. Paul, which is celebrating its 90th anniversary this year.

For such a long-lasting business, Tilsner Carton Company's beginnings were decidedly modest. Isadore Tilsner started collecting and reselling used boxes from liquor stores around St. Paul in 1918 to earn a living. As time passed, Tilsner Carton Company began manufacturing its own boxes with a same day delivery that became its trademark. Tilsner's son, Mike, took over Tilsner Carton Company as his son Joel Tilsner would do in 1986. Joel continues to operate the business and owns 100 percent of the company.

The corrugated box business has changed radically since Isadore Tilsner opened his warehouse in a garage 90 years ago. A few large manufacturers dominate today's market, but Tilsner Carton Company has continued to prosper through its responsive customer service, speedy production, and diversity of products. The company pays good jobs in our community as its customer base has grown both in size and geographic reach—today the business ships product displays all the way to Puerto Rico.

Madam Speaker, I am proud to recognize Tilsner Carton Company and its three generations of family ownership, and it is my honor to submit this statement for the official CONGRESSIONAL RECORD.

CELEBRATING THE LIFE AND
WORK OF DALE WEN-CHIEH JIEH

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, this month, our nation's Capitol will lose a good friend in Dale Wen-chieh Jieh, Director of the Taipei Economic and Cultural Representative Office (TECRO). Dale will be leaving Washington for his new post as Director-General, Taipei Economic and Cultural Office in Kansas City, Kansas. Dale has served as Director of the Political Division since July 15, 2005, as well as Director of the Congressional Liaison Division since July 1, 2006. During the last three years in Washington, D.C., Dale has made many friends in the administration and on Capitol Hill. He is well known for his scholarly demeanor, warm personality and quick grasp of the issues. He is truly a diplomat's diplomat.

Born in Taiwan, Dale was destined for academic excellence. He attended the National Cheng-chi University in Taiwan and the Graduate Institute of International Relations in Geneva, earning his Master of Arts in International Relations at the Free University of Brussels, Belgium. In addition to Mandarin Chinese, Dale is fluent in English and French.

Dale joined Taiwan's government service in the 1980's. He was a Specialist for the Taiwan External Trade Development Council (1986–1987); Assistant to the Vice Foreign Minister (1987–1989); Third Secretary, Taipei Economic and Cultural Office in Chicago; Second Secretary, Taipei Economic and Cultural Office in Thailand (June 1993–August 1995); Second Secretary on home assignment, Department of African affairs, Ministry of Foreign Affairs; Section Chief, Department of International Organizations, MOFA (June 1997–November 1998); Director, European Union Affairs, Taipei Representative Office in Belgium

(November 1998–July 2002); Principal Assistant to the Minister of Foreign Affairs (July 2002–April 2003); Deputy Director General, Department of International Organizations, MOFA (2003); Director, Political Division, TECRO (2005) and currently serves as Director of the Congressional Liaison Division, TECRO, a post Dale has lead with honor and distinction since 2006.

Though he will be missed in the halls of Congress, I trust Dale will continue to be an effective representative of the Taiwan government in his new post in Kansas City. I am confident Dale will continue to strengthen the relations between Taiwan and the United States in his new post, a task as important as ever as America continues to trade and do business with our friends and neighbors around the world. We will forever call upon the dedicated service of people like Dale to foster better, stronger and more valuable relationships between the United States and its allies.

So today, Madam Speaker, I rise to commend and congratulate my friend Dale Wen-chieh Jieh for his service to his country and also to the United States of America. I will always treasure my friendship with Dale and wish him, his charming wife and two beautiful daughters the best of luck as they journey west to their new home in Kansas City.

HONORING THE THIRTEENTH
QUADRENNIAL CONVENTION OF
THE SLAVONIC BENEVOLENT
ORDER OF THE STATE OF TEXAS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the Thirteenth Quadrennial Convention of the Slavonic Benevolent Order of the State of Texas SPJST, which will be held on June 8–11, 2008. For 111 years, SPJST has served as a fraternal organization and an educational tool for Czech immigrants to learn the democratic process, the value of free speech, and the importance of voting in their newly adopted homeland.

Today, there are more than 47,000 members of the SPJST in 120 lodges throughout the state of Texas. In recent years, SPJST has expanded to include youth activities and community service programs. As a result, many SPJST projects and members have been recognized by the Texas Fraternal Congress for their service and contribution to communities throughout Texas. SPJST has provided its members with identity and support throughout the years. In lodges all over the State of Texas, members are committed to helping those in need by working in hospitals, providing scholarships, and supporting drug abuse programs and other charities. The members of SPJST have upheld the tradition of helping people to care for their families and their communities.

With its great commitment to its members, communities, and organizations that it serves, SPJST embodies the value and tradition of the great State of Texas.

HONORING THE 2008 ST. PAUL CENTRAL
HIGH SCHOOL MINUTEMEN
GIRLS BASKETBALL CHAMPIONS

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, 1 year ago, I rose to congratulate the 2007 St. Paul Central High School Minutemen girls basketball champions. Today, I have the privilege again—congratulations to the 2008 St. Paul Central High School Minutemen girls basketball team for winning the State championship! The Minutemen girls team successfully defended their title by defeating the same team, the number one top-seeded Minneapolis South Tigers, in the final State championship class 4A on Saturday, March 15, 2008, at the Target Center.

Although the St. Paul Central High School girls basketball Minutemen were trailing by 9 points at half-time, they fought back hard and overpowered their opponents in the second half with their outstanding talent, power, speed and resiliency. The Minutemen went on to beat their opponents with the final scores of 49–44 over the Tigers.

I am so proud of these fine young athletes and wish to extend my heartfelt congratulations to them and the entire Central High School community. These back-to-back championship titles bring the school's record to four State championship titles, including 1976 and 1979. Last year, the Minutemen had a perfect season record of 32–0 and set a new record in post-season of Minnesota girls basketball championship history with the final score of 81–63 over the Minneapolis South Tigers. This year, the Minutemen are ranked third in the conference and were defeated by the Tigers once during the regular season, but in the post-season the Minutemen once again proved that they are the champions.

Madam Speaker, on behalf of the students, teachers and staff of Central High School as well as the entire St. Paul Public Schools District, please join me in honoring the 2008 St. Paul Central Minutemen girls basketball State champions.

TRIBUTE TO THE HONORABLE
YVONNE BRATHWAITE BURKE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. LEE. Madam Speaker and Ms. KILPATRICK of Michigan, I rise today on behalf of the Congressional Black Caucus to honor Yvonne Brathwaite Burke, one of our own who served as a Representative of California's 37th Congressional District from 1973 to 1979, and is retiring at the end of this year, after an impressive 50-year career as a public servant in the State of California.

On the occasion of Mrs. Burke's retirement from public office, we wish to extend to her sincere congratulations for the decades of dedicated service that she has given to her nation, her State, and her County, most recently as Chair of the County of Los Angeles Board of Supervisors, the largest county in the

nation with a population of over 10 million. For the past 15 years, she has served with distinction as the Supervisor of the Second District, representing nearly 2.5 million residents.

Indeed, Mrs. Burke has blazed a path for African-American women in public service that had its genesis during her high school years when, as a teenager, she got involved in public speaking and competitive contests, earning scholarships to the University of California-Berkeley and later to the University of California-Los Angeles.

In 1953, she was the first African-American woman to be admitted to the University of Southern California Law School since its founding in 1928. Upon graduation from Law School, inasmuch as many private law firms showed no interest in hiring women as attorneys, particularly African Americans, she opened a law practice, specializing in civil rights and laws regarding housing, immigration, eminent domain, and the licensing of residential care homes for children and adults.

Mrs. Burke was active in the Civil Rights Movement, with memberships in various local and national organizations, and served as a staff attorney on the McCone Commission that investigated the causes of the 1965 Watts Riots in Los Angeles. She became a spokesperson for the underrepresented and, through a grassroots campaign, won her first political office in 1966 as a California State Assemblywoman, a position she held for the next six years.

In 1972, Mrs. Burke was the first African-American woman, west of the Mississippi River, to be elected to the U.S. House of Representatives and, one year later, she was the first Member of Congress to give birth while in office. In 1978, she ran for Attorney General of California winning the Democratic nomination, but subsequently losing in the general election. The Governor of California in 1979 appointed her to a vacancy on the Fourth Supervisorial District in Los Angeles County. She also was appointed by the Governor in 1982 to serve on the Board of Regents of the University of California. In 1984, Mrs. Burke was selected to serve as Vice Chairman of the U.S. Olympics Organizing Committee, before becoming the first African-American elected to the Los Angeles County Board of Supervisors in 1992.

Notably, Mrs. Burke served as the Vice Chair of the 1972 Democratic National Convention, and she played a significant role in the 2000 Democratic National Convention in hosting an event for hundreds of African-American elected officials nationwide.

She has received innumerable awards and honors both as an African American and as a woman, including being selected as one of Time Magazine's "America's 200 Future Leaders" in 1974, as The Los Angeles Times' "Woman of the Year" in 1996, UCLA's "Alumni of the Year" also in 1996, and UCLA's "Local Legislator of the Year" in 2008. She has served on the Boards of numerous prestigious organizations and corporations.

While these are just some of Mrs. Burke's significant accomplishments, on behalf of the Congressional Black Caucus, the House of Representatives, and the State of California, we extend our deepest gratitude for her important contributions throughout her illustrious career. With sincere best wishes, we congratulate Mrs. Burke upon her retirement from elective office. We are pleased to join her many

co-workers, family, friends, and associates in wishing her health, happiness, and continued good fortune in her future endeavors.

In conclusion, Yvonne Brathwaite Burke's exemplary record testifies that she is a woman of indomitable compassion, courage, character, and faith. We believe that she will be remembered for the beneficial changes she made in people's lives.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mrs. MALONEY of New York. Madam Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I rise to join my colleagues in the sad commemoration of the Armenian genocide.

Today we declare once again that the Turkish and American governments must finally acknowledge what we have long understood: that the unimaginable horror committed on Turkish soil in the aftermath of World War I was, and is, an act of genocide.

The tragic events began on April 24, 1915, when more than 200 of Armenia's religious, political and intellectual leaders were arrested in Constantinople and killed. Ultimately, more than 1.5 million Armenians were systematically murdered at the hands of the Young Turks, and more than 500,000 more were exiled from their native land.

On this 93rd anniversary of the beginning of the genocide, I join with the chorus of voices that grows louder with each passing year. We simply will not allow the planned elimination of an entire people to remain in the shadows of history. The Armenian genocide must be acknowledged, studied, and never, ever allowed to happen again.

Two years ago I joined with my colleagues in the Caucus in urging PBS not to give a platform to the deniers of the genocide by canceling a planned broadcast of a panel which included two scholars who deny the Armenian genocide. This panel was to follow the airing of a documentary about the Armenian Genocide. Along with Representative ANTHONY WEINER, I led a successful effort to convince Channel Thirteen in New York City to pull the plug on these genocide deniers.

The United States must join the parliaments of Canada, France, and Switzerland in passing a resolution affirming that the Armenian people were indeed subjected to genocide. The House Committee on Foreign Affairs took an important step last year in passing H. Res. 106, and I am hopeful that this resolution will make it to the Floor.

An acknowledgment of the genocide is not our only objective. I remain committed to ensuring that the U.S. Government continues to provide direct financial assistance to Armenia. Over the years, this aid has played a critical role in the economic and political advancement of the Armenian people. This year I have joined with my colleagues in requesting no military aid for Azerbaijan in the FY09 Foreign Operations Appropriations bill. We also have

requested \$70 million in economic assistance for Armenia and \$10 million for Nagorno-Karabakh.

Legislation passed in the 109th Congress and signed into law to reauthorize the Export Import Bank included important language prohibiting the Bank from funding railroad projects in the South Caucasus region that deliberately exclude Armenia.

American tax dollars should not be used to support efforts to isolate Armenia, and these provisions would prevent that by ensuring that U.S. funds are not used to support the construction of a new railway that bypasses Armenia. A railway already exists that connects the nations of Turkey, Georgia, and Azerbaijan, but because it crosses Armenia, an expensive and unnecessary new railway had been proposed. Allowing the exclusion of Armenia from important transportation routes would stymie the emergence of this region as an important east-west trade corridor.

On this solemn day, our message is clear: the world remembers the Armenian genocide, and the governments of Turkey and the United States must declare—once and for all—that they do, too.

HONORING KATHRYN FLYNN

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. UDALL of New Mexico. Madam Speaker, I rise today to congratulate Kathryn Flynn, of Santa Fe, New Mexico. She is being honored on May 2, 2008, with it 2008 Heritage Preservation Award for individual achievement from the New Mexico Cultural Properties review committee.

For the past 17 years, Kathryn has been committed to preserving the history and legacy of President Franklin D. Roosevelt's New Deal and its enormous impact on New Mexico and the Nation. She has labored tirelessly to locate, restore and document the undertakings of the Works Project Administration, WPA, and the Civilian Conservation Corps, CCC, in New Mexico. Functioning on shoestring budgets, Kathryn enlisted New Mexico volunteers to help in this effort and then went nationwide, state by state, to convince others to do the same. This resulted in the formation of the National New Deal Preservation Association, of which Kathryn was unanimously elected executive director, a position she holds today.

Through Kathryn's leadership, skills, talents and passion, hundreds of thousands of dollars have been raised in private and public funds for conserving New Deal art in New Mexico. This funding has allowed for the restoration and conservation of five Santos at the Palace of the Governor's Fine Arts Museum, seven Helmuth Naumer pastels at the New Mexico Taxation and Revenue Department, the Bronson Cutter bronze statue on the Santa Fe capitol grounds, seven paintings and etchings in the Taos public schools, and seven murals in the Ilfeld Auditorium at Highlands University. Conservation work is currently underway on public art works at New Mexico State University and Silver City, and numerous other preservation projects have been conducted because of Kathryn's remarkable leadership and efforts.

Kathryn's and the National New Deal Preservation Association's efforts culminated into the honoring of the 75th anniversary of the New Deal. Several meetings in this Nation's capital have taken place among many departments, including the Library of Congress, various organizations and private citizens, who have joined the association in this noble project. During 2008, various events and activities will be held nationwide to call attention to the New Deal and the extraordinary time in which it took place in our nation's history.

It is appropriate that I also call attention to Kathryn's distinguished professional career. Earning a Master's degree in Rehabilitation Counseling/Psychology, she served the State of New Mexico in health and rehabilitation services, as executive director for the Carrie Tingley Hospital and Foundation, and as executive director of Open Hands, Inc. She then became Deputy Secretary of State, where she edited for many years the Blue Book, an invaluable resource for such information as New Mexico history, landscape, government, educational institutions, political leaders, Native Americans and state attractions.

It was in the role of editing the Blue Book that Kathryn "found her true calling." She wanted to include a piece of WPA art for inclusion in the 1991 edition of the Blue Book, but it was nowhere to be found. The search for this artwork led to Kathryn's realization that much of what was created during the New Deal was being lost, not only through physical deterioration, but also as a legacy to younger generations. Kathryn wanted to ensure that the New Deal's history, artistic beauty, public works and, perhaps most importantly, the encouragement and hope that it created in the minds and hearts of millions of citizens who were out of work during the Great Depression, be preserved for posterity.

Kathryn Flynn is considered by many as our nation's leading authority on the New Deal, and she is well deserving of recognition. I invite my colleagues to join me in congratulating her upon receiving New Mexico's 2008 National Preservation Heritage Award. On behalf of all New Mexicans, I extend our deepest appreciation for all Kathryn has done to protect and preserve the history and all that the New Deal created for generations to come.

HONORING THE PHILADELPHIA PROGRAM OF VITAS INNOVATIVE HOSPICE CARE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor the outstanding community service provided by the volunteers of The Philadelphia Program of VITAS Innovative Hospice Care on the occasion of their annual volunteer celebration dinner taking place on April 30, 2008. This annual event is part of National Volunteer Appreciation Week from April 27 to May 3, 2008. National Volunteer Appreciation Week was created in 1974 when President Richard Nixon signed an executive order to establish the week as an annual celebration of volunteerism.

VITAS Innovative Hospice Care has been a pioneer and leader in the hospice care move-

ment since 1978 and is the nation's largest provider of end-of-life care. The Philadelphia Program of VITAS, which started in 1993, has four inpatient units and serves the five-county Philadelphia area.

More than sixty Philadelphia-area volunteers perform numerous services and serve more than 350 patients a day. The volunteers are both young and old and provide a variety of services for the elderly. These services range from running errands and placing reassuring phone calls, to spending quality time with the elderly. The volunteers serve patients in their own homes, in hospitals, and in nursing homes.

Madam Speaker, I ask that my colleagues join me today in thanking The Philadelphia Program of VITAS volunteers for their exemplary service to the citizens of Southeastern Pennsylvania. May their work be an inspiration to us all.

ARMENIAN GENOCIDE

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CANTOR. Madam Speaker, today we remember the 1.5 million innocent victims of the Armenian genocide who horrifically lost their lives 93 years ago. The tragedy of the Armenians was the first genocide of the 20th century, but sadly not the last. Now, in a 21st Century rife with renewed ethnic and religious hatreds, the memory of the Armenian victims must remain fresh in our minds. It was Adolf Hitler who asked his generals, after deciding to brutally attack Poland in 1939, "Who still talks nowadays about the Armenians?" By remembering the Armenians on this day, as well as the millions of other victims claimed by genocides worldwide, we can individually and collectively contribute to the prevention of future atrocities and the end of genocide once and for all. I'd like to thank the Armenian-American community and the millions of others who have worked to ensure the American people never forget the victims of the Armenian genocide.

STATEMENT ON THE 93RD ANNIVERSARY OF THE BEGINNING OF THE ARMENIAN GENOCIDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. COSTELLO. Madam Speaker, I rise today to honor the memory of the victims of the Armenian genocide.

On April 24, 1915, over 200 Armenian religious, political, and intellectual leaders were murdered in Constantinople by the government of the Ottoman Empire. This event marked the beginning of a systematic mass murder of 1.5 million Armenian people and the displacement of nearly 500,000 refugees. Today marks the 93rd anniversary of the beginning of an 8 year siege against the property, dignity and lives of the Armenian people.

We are here today to fully recognize the impact of this event. More than a dozen other

countries including France, Canada, Austria, Sweden, and Greece have acknowledged genocide and passed resolutions similar to H. Res. 106, commemorating those who lost their lives in Armenia between 1915 and 1923. Yet, despite the great suffering of the Armenian people, they have overcome adversity and continue to preserve their culture, traditions, religion and history. The United States and Armenia have had a strong, long-lasting relationship, including U.S. humanitarian and technical assistance to Armenia totaling nearly \$2 billion to date. With the recent election of President Serge Sargsian, Armenia continues to demonstrate a maturing democracy. Armenian-American citizens have contributed to our society in countless ways and the memory of their ancestors deserves to be honored. Acknowledging the 1915–1923 genocide as a tragic piece of Armenian history is a stepping stone in preventing future atrocities from taking place around the globe.

Madam Speaker, I urge my colleagues to join the in paying tribute today to those who lost their lives in this horrible event against the Armenian people and honoring the survivors who continue to commemorate the memory of their lost family and friends.

HONORING THE CAREER AND ACCOMPLISHMENTS OF CAPTAIN JAMES C. HOWE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. COBLE. Madam Speaker, I take this occasion to honor Captain James C. Howe for his service to the United States House of Representatives and for his 27 years of service to our country in the United States Coast Guard.

Captain Howe was assigned as Chief of the Office of Coast Guard Congressional and Governmental Affairs in July 2005, and I am proud to have had the opportunity to work closely with him. In my leadership roles on the Coast Guard and Maritime Transportation Subcommittee and in numerous other venues, my staff and I have often relied on Captain Howe's knowledge and understanding of the operational missions, the current day-to-day challenges, and the roles and responsibilities of the United States Coast Guard.

During his career he spent 11 years at sea, conducted over 200 search and rescue cases, saved dozens of lives, interdicted nearly 1,000 illegal migrants, and seized 16 drug-laden vessels carrying more than 75 tons of marijuana and cocaine.

Captain Howe began his career at the United States Coast Guard Academy in New London, CT, where he graduated in 1981. Ensign Howe was assigned to his first unit as a Deck Watch Officer aboard USCGC *Active* in New Castle, New Hampshire, conducting search and rescue and fisheries patrols in the North Atlantic. He then was assigned as Executive Officer of USCGC *Petrel* in Key West, Florida, which proved to be an extremely action-packed tour of duty. In one drug case, his crew seized three smuggling vessels simultaneously, and in another he embarked a seized go-fast vessel to hunt down a second go-fast, chasing it at speeds in excess of 40 knots; his crew also pulled 265 Haitian migrants off a

small sailboat found mired in a coral reef in the Bahamas.

Following these assignments at sea, then-Lieutenant Howe served from 1985 to 1988 at the First Coast Guard District Operations Center in Boston, Massachusetts, as a search and rescue coordinator; at night, he earned a master's degree from Harvard University Extension School.

Because of his genuine love of the sea and expertise in Coast Guard operations, he earned command of the newly-commissioned USCGC *Metompkin*, homeported in Charleston, South Carolina. On *Metompkin's* first patrol, the cutter sped 140 miles at top speed across 25-foot waves to rescue three fishermen whose boat had been swamped; later, his crew rescued several fishermen whose vessels were destroyed during the height of Hurricane Hugo.

In 1991, he was assigned as Public Affairs Officer for the Seventh Coast Guard District in Miami, Florida, a position he held until 1995, and during which he acted as media spokesman for three mass migrations, two huge oil spills, a plethora of high-profile migrant and drug cases, and the Coast Guard response to Hurricane Andrew. After leaving the Seventh District, then-Lieutenant Commander Howe was assigned as Executive Officer aboard USCGC *Northland*, homeported in Portsmouth, Virginia.

Due to his in-depth understanding and mastery of naval operations, he was then detailed as the Coast Guard Liaison to the Naval Doctrine Command in Norfolk, Virginia, where he conceived and wrote from scratch the Coast Guard's first ever tactical manual for counter drug and migrant interdiction operations. Next, Commander Howe earned command of the 270-foot cutter *Tampa*, homeported in Portsmouth, Virginia, leading his crew to several notable drug seizures and receiving the highest readiness evaluation ever achieved for a like-sized cutter.

Following command, Commander Howe was selected to attend the prestigious U.S. Marine Corps War College in Quantico, Virginia, where he earned a second master's degree and was named one of two Distinguished Graduates. He then served as the Deputy Chief of the Coast Guard Office of Congressional and Governmental Affairs from 2002 until 2003.

After this challenging assignment, Captain Howe was chosen to serve at the highest levels of government, working in the Office of the Vice President as a Special Advisor for homeland security, focusing on border and transportation issues. Finally, Captain Howe was assigned as the Chief of the Coast Guard's Office of Congressional and Governmental Affairs.

Captain Howe has earned numerous military decorations during his 27 years of active duty, including the Defense Superior Service Medal, four Meritorious Service Medals, five Coast Guard Commendation Medals, and 12 unit and team awards. He has also received a number of other honors, including the Harvard University Derek Bok Prize for public service, along with the Thomas Jefferson, Alex Haley, and Commander Jim Simpson Awards for excellence in media and public relations.

This week, Captain Howe will leave his post and retire after 27 years of honorable service to the Coast Guard and the Nation. He will be missed in the United States House of Rep-

resentatives. It has been my pleasure to work with Captain Howe. On behalf of all who have also been fortunate to work with him, we wish Captain Howe, his wife Shira, and his five wonderful children (Margaret, Marc, Mary, James, and Iris) the best in all of their future endeavors.

IN RECOGNITION OF THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. LYNCH. Madam Speaker, I rise today to join with Armenians throughout the United States, Armenia, and the world in commemorating the 93rd anniversary of the Armenian genocide, one of the darkest episodes in Europe's recent past. This week, members and friends of the Armenian community gather to remember April 24, 1915, when the arrest and murder of 200 Armenian politicians, academics, and community leaders in Constantinople marked the beginning of an 8-year campaign of extermination against the Armenian people by the Ottoman Empire.

Between 1915 and 1923, approximately 1.5 million Armenians were killed and more than 500,000 were exiled to the desert to die of thirst or starvation. The Armenian genocide was the first mass murder of the 20th century, a century that was sadly to be marked by many similar attempts at racial or ethnic extermination, from the Holocaust to the Rwandan genocide and now the ongoing genocide in Darfur, Sudan.

While today is the day in which we solemnly remember the victims of the Armenian genocide, I believe it is also a day in which we can celebrate the extraordinary vitality and strength of the Armenian people, who have fought successfully to preserve their culture and identity for over a thousand years. The Armenian people withstood the horrors of genocide, two world wars, and several decades of Soviet dominance in order to establish modern Armenia. Armenia has defiantly rebuilt itself as a nation and a society—a triumph of human spirit in the face of overwhelming adversity.

It is my firm belief that only by learning from and commemorating the past can we work toward a future free from racial, ethnic, and religious hate. By acknowledging the Armenian genocide and speaking out against the principles by which it was conducted, we can send a clear message: never again.

CONGRATULATING THE CHICAGO CUBS ON THEIR 10,000TH FRANCHISE WIN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. EMANUEL. Madam Speaker, I rise today to congratulate the Chicago Cubs on their 10,000th franchise victory. Last night, the Cubs were away from the friendly confines of Wrigley Field, located in the heart of the Fifth

Congressional District, and beat the Colorado Rockies in Denver to reach this historic milestone.

My hometown Cubbies are one of only two teams in MLB history to win 10,000 games. This year marks the Cubs 138th season, and 100th anniversary of our last World Series Championship, but like all Cubs fans, I have faith that this is our year.

Almost 142 years ago today, the Cubs played their first game in the National League as the Chicago White Stockings, and they finished in first place in that 1876 season. In 1902, the team officially became the Cubs, and northsiders have been rooting for our Cubbies ever since.

The Cubs' home, Wrigley Field, is located at 1060 W. Addison in my district, and is the oldest National League ballpark and second oldest in the majors. Countless memories have been created at Wrigley Field as Chicago families and fans across the country have come to watch the wins and losses of our Cubs.

Chicagoans are very excited about our Cubs this year, with the team playing great baseball and sitting in first place in the Central with a record of 15–6. Manager Lou Piniella has done a terrific job with an outstanding complement of players, from pitchers Carlos Zambrano, Ted Lilly, and Carlos Marmol to Derrek Lee, Aramis Ramirez, newcomer Kosuke Fukudome, and last night's hero, Ryan Theriot.

Great players have filled Cubs lore over the years, and we will never forget legends like Ernie Banks, Gabby Hartnett, Ron Santo, Billy Williams, Mordecai "Three Finger" Brown, Ryne Sandberg, Mark Grace, and others.

Last night's victory was hard fought, with the Cubs defeating the Rockies in 10 innings to earn that 10,000th victory. Madam Speaker, as the Representative of Wrigley Field and all the residents of the 5th Congressional District of Illinois, as well as hundreds of thousands of Chicago Cubs fans, I congratulate the Cubs on this wonderful milestone. I'm looking forward to many more victories and hope to see that "W" flag flying at Wrigley Field throughout the summer and fall.

A TRIBUTE TO JUNIOUS NORFLEET, A PIONEERING ARTIST, MUSICIAN AND AN AMERICAN ORIGINAL

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. RUSH. Madam Speaker, on this day it is my esteemed honor to enter into the RECORD a heartfelt tribute to a great artist, musician and a Chicagoan for most of his life, the late Junious Norfleet. America may not know Junious Norfleet's name but they surely know his music. Junious, also known as "Bud," was the youngest brother of the famed Norfleet Brothers whose artistry—a skillful mix of R&B, jazz and gospel—grew in popularity in the 1950s. Junious provided the jazzy, sultry but powerful voice of a tenor whose tone, skillful delivery and showmanship propelled him to the lead of this pioneering musical group. Junious' life on Earth ended on March 25, 2008, following complications from a stroke. He leaves behind his wife, Janet Norfleet, Chicago's first female postmaster, and thousands

of adoring family members, friends and fans, like me, throughout our Nation.

As a fan and admirer of Junious Norfleet, when I think of his life as an African American in these United States, I think that, in many ways, it mirrors the challenges, growth and triumphs of our nation. Junious was born in the town of Marion, Alabama on March 20, 1926 to the union of Jake and Indiana Norfleet. He was the youngest of 15 children, a "PK," or preacher's kid, who grew up in a loving, but disciplined home in the segregated South. Junious came of age enjoying his childhood. He learned the value of hard work while living in a large, rural environment where he was responsible for the care and upkeep of his own portion of land. There, his parents grew sweet potatoes, cotton and other produce and he recounted many days of happiness from enjoying something as simple and refreshing as watermelon on a hot summer day. He did share with his friends, though, that no children of his would ever have to perform such rigorous, manual labor. And he, indeed, delivered on that promise for his family.

With a father as a minister and the youngest of 15 children (ten boys and five girls), the church was always a big part of Junious' life. He grew up singing with his older brothers on the family farm in Marion, Alabama. They would perform at any time, anywhere, so long as people were around to listen. Junious was handsome and charismatic, the perfect lead for any music group. He possessed a booming voice that made others stop and take notice. As word of the Norfleet Brothers' talent began to spread, they gained their first taste of commercial success by hosting a 15-minute radio program which broadcast every Saturday afternoon from Stillman College in Tuscaloosa, Alabama. It was in Tuscaloosa where The Norfleet Brothers recorded their first record.

As their singing abilities began to be recognized, in 1948, after some of his older brothers completed tours of duty in WWII, The Norfleet Brothers began to travel. They sang in churches and town halls in Tennessee, Cincinnati, Ohio and Chicago while driving across the country in their cherished, fiery red Chevy. Junious along with his brothers, Peter Young, Arthur and Joseph, his nephew, Wilson, cousin Nathaniel and their friend, George, made quite a name for themselves while building an adoring fan base. Their notoriety had a bit of a downside as, after performing in Chicago, they found that their red Chevy had been stolen. But their loss was Chicago's gain as they decided to make Chicago their home.

Never afraid of hard work, Junious and his brothers worked a variety of jobs while continuing to sing. A patriotic American, like his brothers before him, Junious served, state-side, in the Army from 1953 to 1956. During this time he continued to balance love of country, love of family and a passionate desire to build a career in music and entertainment. Like other talented African American artists at that time, Junious and his brothers had to struggle with unscrupulous record labels and managers during an era when Jim Crow segregation remained the law of the land. Still, the Norfleet Brothers continued their rise to prominence in the 1950s with a traditional, four-part harmony gospel sound that was backed with guitar. The group maintained this structure even as gospel moved toward heavier instrumentation and more of a "shout out" style of singing, according to author Bob Marovich

who is writing a history of gospel in Chicago. Songs on which Junious was featured as lead tenor included "Through it All" and "What a Friend We Have in Jesus." According to his wife, "Wade in the Water" was his favorite. During this time the group cut an album, "Shadrach," and were widely known for the song "None but the Righteous."

According to published reports, the cast of the group was fluid and they began touring in the late 1940s. Over time, The Norfleet Brothers were joined by other family members and an occasional outsider and, later, the sons of the original members also sang with the group. In 1957, they won the first place prize on the Morris B. Sikes Amateur Hour, a local television program. They appeared on several television programs and were hired to sing television commercials for a local auto dealer.

In 1963, The Norfleet Brothers became the host of the Emmy award-winning "Jubilee Showcase," Chicago's longest running television program (1963–1984). The Norfleet Brothers performed as the headlining act for 21 years! The group continued to perform at various churches and events. They held their annual gospel concerts at Hartzell Memorial United Methodist Church during the 1980s and early 1990s. In 1988, The Norfleet Brothers celebrated their 50th Anniversary in the music business with a concert at Olivet Baptist Church in Chicago.

Junious is survived by his loving wife, Janet, and by several children, grandchildren, a host of nieces and nephews, grand nieces, grand nephews and a legion of fans, young and old, who will miss his charming smile and his wonderful voice. In addition to this reflection, Junious Norfleet's legacy will live on as, in recent years, his grand nephew, Ronald Norfleet, his grand niece, Toni Reed, took the time to gather oral history from Junious that preserves the rich musical and family legacy he leaves behind. Reed, a Chicago-based documentary film producer, is working on a documentary feature film about her uncle's remarkable life.

My prayers and best wishes are forever extended to this large and loving family. I wish Ms. Reed and her family all the best in sharing the artistry, courage and musical gifts of Junious "Bud" Norfleet with family, friends and fans throughout the world.

SAN JACINTO DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to commemorate one of the most important events in Texas history. Monday, April 21, Texans celebrated San Jacinto Day. In the past I have missed this event because I had to be in Washington for votes, but this year I was able to be at home in Texas, and actually be at the battleground where Sam Houston and Santa Anna fought over one hundred and seventy years ago.

On that day in 1836, approximately 900 Texan and Tejano volunteers overpowered a larger, professional Mexican army of conscript soldiers, after defeats at Goliad and the Alamo. These outnumbered volunteers succeeded because they were fighting against tyr-

anny and they were fighting for their homeland. In the words of the Texas Declaration of Independence, the people's government had been "forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism."

The Texas Revolution proved the bonds of freedom are stronger than ethnicity, as many Tejanos sacrificed their lives for Texas' freedom at the battles of Gonzalez, Bexar, Goliad, the Alamo, and San Jacinto. The war was not between Anglos and Hispanics, it was a struggle between all Texans and the military dictatorship in Mexico City. Texans and Tejanos knew then what we know now—freedom requires sacrifice. Our young people going to or coming back from fighting in Afghanistan or Iraq are very aware of this hard fact of life.

Texas culture places high honors on heroes willing to sacrifice their lives for a better life for their fellow man, and Texans are known around the world as an honorable people who respond to the call of duty. While our young people are answering today's calls of duty, we should not forget those who have bravely answered the call in the past.

In that spirit, I want to highlight the work by the San Jacinto Chapter of the Daughters of the Texas Republic, who made the preservation of the San Jacinto Battleground possible by petitioning the Legislature to purchase the acreage and by donating their treasury to complete the sale in 1900. The San Jacinto Chapter of Daughters and the Texans Veterans Association did tremendous work to ensure that the legacy lived on, and the importance of the park has only expanded since then.

The park not only has the San Jacinto Monument to recognize the brave men that defeated the military dictator General Santa Anna, it is also home to the Battleship Texas, which is a symbol of Texans' sacrifices in World War I and World War II. Thankfully, through federal appropriations and state and local funding, the restoration and preservation of Battleship Texas is moving forward as part of a multi-year effort to collect the necessary funding for the restoration of this great historical site. The funding will help with the Battleship Texas Foundation's plans to restore the Battleship Texas and convert it into a museum. This is an important project not only to honor those in our past, but to educate future Texans who may have to answer future calls to service about our tradition of defending freedom.

As part of our historical preservation efforts, we are also working on the Buffalo Bayou National Heritage Area, which will stretch from Buffalo Bayou in East End Houston to San Jacinto Battleground, including the Ship Channel and the Baytown Nature Center. The Heritage Area will help the history of the establishment of the Texas republic. The restoration of the Battleship Texas and the establishment of a Buffalo Bayou National Heritage Area will go a long way to ensure that new generations of Texans know their tradition of bravery.

With an understanding of where they came from, future Texans will continue to respond to calls to service, and Texans will continue to be respected and admired around the world.

COMMEMORATION OF ARMENIAN
GENOCIDE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. KING of New York. Madam Speaker, today I rise to mark the anniversary of the Armenian genocide which began on this date ninety-three years ago. From 1915–1923 the Ottoman Empire carried out the deportation of approximately 2 million Armenian men, women, and children from their homeland of which 1.5 million were killed. And to this day, neither the Ottoman nor Turkish governments have been held to account for their involvement.

The 20th century witnessed some of the worst violence and atrocities in history: the attempted extermination of the Jewish people during the Holocaust, Tutsis slaughtering Hutus in Rwanda, Stalin's campaign of mass murder and starvation, the killing fields of Cambodia, and, of course, the Armenian genocide. Millions upon millions of innocent people were killed solely because of the color of their skin, the tribe they belonged to, or the religion they practiced.

As you know, too often in the past the world has stood by or looked the other way when genocide was taking place. And now we see it happening once again in Darfur. We must stop this horrible violence taking place in Sudan at once and make sure genocide is never repeated anywhere around the world. The call of "never again" must not just be exclaimed but rather acted upon.

ARMENIAN GENOCIDE

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WALBERG. Madam Speaker, today we observe the anniversary of the Armenian genocide, a tragic persecution of Armenians that was both a systematic and intentional ethnic cleansing.

Before this tragedy, Armenians had only limited freedom living under the rule of the Ottoman Empire. Armenians did not have the liberties that Americans consider to be self-evident. In particular, they were limited in public practice of their Christian faith. Because the international community paid little attention, the conditions of Armenians deteriorated throughout the 1800s.

In the late 1800s, the situation became worse. Ottomans began to provoke, exploit, and murder many Armenians. Europe and North America took notice, but were weary of the economic and political consequences of intervening.

On this day in 1915, hundreds of influential and important Armenians were taken from their homes, imprisoned, and stripped of their remaining freedoms. The Ottoman military marched crowds of Armenians to be deported or exterminated. Hundreds of thousands Armenians were victims of this massacre, and an exact number of casualties is still unknown.

The systematic, state-sponsored extermination of these good, decent people dem-

onstrates the need for protection of individual liberties and from injustice.

Years later, Adolf Hitler referenced the Armenian genocide, "the physical destruction of the enemy," as an example of the rest of the world forgetting or ignoring. My hope is that we can recognize these stains from the past and learn an important lesson from history. We must never forget about those in other lands who do not enjoy the freedoms found in America. We must not forget to stand for what is right and stand beside widows, orphans, and our fellow brothers.

Madam Speaker, today we honor the lives lost during the Armenian genocide and in their memory pledge to protect liberty and freedom by preventing similar injustices in the future.

PERSONAL EXPLANATION

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CLYBURN. Madam Speaker, due to my attendance at the funerals of two dear friends in my district, I was absent for all twelve recorded votes on Wednesday April 23, 2008 (rollcalls 208–219). I wish to offer the following explanations for how I would have voted.

Had I been present:

On rollcall 208, the motion to adjourn, I would have voted "nay."

On rollcall 209, Protecting the Medicaid Safety Net Act of 2008, I would have voted "aye."

On rollcall 210, Recognizing the 60th Anniversary of the founding of the modern State of Israel, I would have voted "aye."

On rollcall 211, Ordering the Previous Question, I would have voted "aye."

On rollcall 212, the Rule providing for consideration of SBIR/STTR Reauthorization Act, I would have voted "aye."

On rollcall 213, the Matheson amendment, I would have voted "aye."

On rollcall 214, the Capito amendment, I would have voted "aye."

On rollcall 215, the Foster amendment, I would have voted "aye."

On rollcall 216, motion to recommit, I would have voted "nay."

On rollcall 217, passage of SBIR/STTR Reauthorization Act, I would have voted "aye."

On rollcall 218, ordering the previous question, I would have voted "aye."

On rollcall 219, the rule providing for consideration of Coast Guard Authorization Act, I would have voted "aye."

CELEBRATING THE LIFE OF THE
HONORABLE BILL SANDBERG,
MAYOR OF NORTH SAINT PAUL,
MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, it is with great sadness that I come to the floor to speak about my dear friend, my mentor, and a tremendous Minnesota civic leader, Mayor Bill Sandberg of North Saint

Paul. Mayor Sandberg passed away earlier this week to the great sadness to all who loved him and worked with him. For 30 years Bill served as North Saint Paul's mayor and his extraordinary leadership, warm smile and soft laugh will be missed.

Mayor Sandberg was profoundly committed to his family, our community, and his country. Having lived in North Saint Paul and raised my children there, I can say the success and well-being of our city was in large part due to Bill's hard work and his pride in serving his neighbors. Bill loved North Saint Paul and his constituents loved him.

All of us who worked with Bill Sandberg over the years were fortunate and blessed. We are all better for his friendship. In the mid 1980s it was Mayor Sandberg who encouraged me to stay involved in politics after I lost my first election and he created the opportunity for me to enter public life with an appointment to a city committee. Even though he was a Republican and I am Democrat, it didn't matter to Bill who always put public service and common sense first. He went out of his way to work with me and I am a better public official because of him.

In 1987, I was elected to the North Saint Paul City Council where I served with Mayor Sandberg for the next four years. After that, in the Minnesota State House and in Congress, I have had the honor of representing North Saint Paul and working closely with the mayor to keep the city strong and vibrant.

Bill Sandberg was also a devoted family man. His love and lifelong companion, Dolores, was a wonderful person who Bill cared for throughout her life. Bill was also blessed by a loving daughter, Karen, and son-in-law, Jack, have two wonderful children who also loved their grandfather very much.

Madam Speaker, I personally feel a great personal loss with Bill's death and I will miss him profoundly. He was a kind, loving man who was a blessing in my life and the lives of the many who he served over the years.

IN RECOGNITION OF THE WASHINGTON HIGH SCHOOL HATCHETS

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate Coach Gene Miller and the Washington High School Hatchets on their 2008 3A Division Indiana State Basketball Championship. The title is their fifth State title in school history and was a fitting conclusion to an outstanding season.

The Hatchets defeated the Fort Wayne Harding High School Hawks in the championship game by a score of 84–60, capping off an impressive 23–2 season.

Their victory is the culmination of years of hard work, dedication and sacrifice. The team and coaching staff have demonstrated outstanding talent and an unwavering commitment to achieving their goals.

The Washington Hatchets are shining examples of the idea that success in life comes to those who are willing to set goals and work hard to achieve them. They are an inspiration to me and everyone in the Washington, Indiana community who have followed their progress this season.

Go Hatchets!

THE COMMEMORATION OF THE
ARMENIAN GENOCIDE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. MARKEY. Madam Speaker, I rise today to commemorate the 93rd anniversary of the Armenian genocide.

In September of 1919, President Woodrow Wilson spoke of his vision of a future Armenia. He said, "Armenia is to be redeemed . . . So that at last this great people, struggling through night after night of terror, knowing not when they may come out into a time when they can enjoy their rights as free people that they never dreamed they would be able to exercise."

The Armenian people finally have the ability to enjoy the rights that President Wilson hoped they would have so many years ago, and for that we are all thankful.

The nights of terror that President Wilson spoke about, the Armenian genocide, was the first genocide of the 20th century. It was the opening chapter of what was arguably the most violent period of human history. In the decades following this initial genocide, the world witnessed genocidal acts against the Jews and against the Roma in World War II, and subsequently in Cambodia, Rwanda, Bosnia-Herzegovina, and in too many wars to list here. Today, the world is witnessing genocide yet again in Darfur.

There is no more important way to commit ourselves to preventing the genocides of the future than to commemorate and never forget the genocides of the past. As such, I would like to note my continuing support for House finally passage of H. Res. 106, the Affirmation of the United States Record on the Armenian Genocide Resolution. In my view, it is long past time for the United States to officially recognize the massacre of one and a half million Armenians in early in the 20th century for what it undeniably was: a genocide.

Countries all around the world have adopted similar resolutions to ensure that the atrocities committed against the Armenian people are properly recognized as genocide. Canada, France, Switzerland, Greece, and Poland have passed resolutions affirming the recognition of the Armenian genocide. Properly recognizing the Armenian genocide here in America is essential to ensure that all past genocides are never forgotten and all future atrocities are never permitted. This House must afford the proper recognition to the Armenian genocide. We must do so not only because of our solemn obligation to recognize those that were lost, but also because of our duty to those that can still be saved.

A STUDENT'S THOUGHTFUL ESSAY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. UDALL of Colorado. Madam Speaker, every present and former college student knows that writing a solid essay or research paper is not easy.

So, I think it's appropriate to recognize the careful effort displayed by Theresa Snyder in

an essay published last month in the Pueblo Chieftain newspaper.

Ms. Snyder is a student at Colorado College in Colorado Springs. Her topic is a proposed water-delivery project called the Southern Delivery System, which would pipe water to that city from the Pueblo Reservoir—part of the Fryingpan-Arkansas Project—with return flows back to the Arkansas River via Fountain Creek.

Because of the complexity of the project, I joined others in asking the Bureau of Reclamation to provide additional time for comment on it—a request that I am happy to say has been granted.

I think Ms. Snyder's essay, written in connection with a class in Western Water Policy, reflects well on her and on the quality of instruction at Colorado College.

For the benefit of all our colleagues, here is the full text of her essay:

[From the Pueblo Chieftain, Mar. 16, 2008]

SPRINGS NEEDS TO CORRECT FOUNTAIN CREEK PROBLEMS

(By Theresa Snyder, Colorado College Student)

First things first . . .

In a time when water is becoming increasingly scarce, Colorado Springs has failed to explore its many options for responsible water use. The Springs, which has experienced rapid population growth in the past 40 years, is expected to grow by an additional 250,000 people by 2025.

To supplement water supply for this urban development, a \$1 billion project known as the Southern Delivery System has been proposed by Colorado Springs Utilities. The project includes storing water in Lake Pueblo and running a 43-mile long pipeline from Pueblo Dam to Colorado Springs.

The city, while possessing all the required water rights to use the additional 78 million gallons a day from Lake Pueblo, currently is completing an Environmental Impact Statement as required by the National Environmental Policy Act of 1969. Drafts of the statement led the citizens of Pueblo to wonder about their future as downstream water users.

The focus of Pueblo's concern is Fountain Creek. This watershed begins as Monument Creek in Colorado Springs, flows south and joins Fountain Creek, continues to Pueblo and eventually joins the Arkansas River in Pueblo.

The creek has long been used to channel return flow wastewater from Colorado Springs. As a result of the Southern Delivery System, return flows from the city into Fountain Creek would greatly increase.

Anyone who walks along the creek can see the obvious problems with erosion, sedimentation and water quality already present in the creekbed. Current return flows from Colorado Springs have altered this previously intermittent stream to a year-round flow, and are to blame for the multitude of other problems in Fountain Creek.

Increased sedimentation along the creek bed produces stretches of dirt with no trace of vegetation. Other sections of the river have channelized as severely as 20 feet below previous flow lines. The result is a creek that looks sprawled in some areas and like a small canyon with steep, abrupt walls in others.

The Southern Delivery System would only increase average flows and consequently the sedimentation and erosion that results in an unappealing creek with muddy water. Where does all of this poor-quality, heavy-sediment water go? Downstream to Pueblo.

As Colorado Springs Utilities officials prepare to launch a \$1 billion project, they have

failed to address a serious issue that will only worsen upon completion of the project. Clean-up of Fountain Creek should be first on the list of projects to tackle. Colorado Springs brings in the majority of its water from the Western Slope of Colorado. Seventy percent actually comes from Fryingpan-Arkansas water storage projects across the Great Divide. This means fresh, crisp mountain water. Yet the city passes on poor-quality water and disregards the negative effects the flows have on a natural ecosystem and downstream municipality.

Pueblo has begun to speak up and demands that Colorado Springs dam Fountain Creek to control the overall flow of the creek. A dam would control flooding as well as mitigate the negative effects from erosion and sedimentation.

Yet Colorado Springs Utilities has cited cost as the primary reason for not damming the creek. How is cost an object when the utility is prepared to shovel out \$1.1 billion for more water? It seems selfish and unfair of a municipality to not only ignore a problem such as Fountain Creek but to propose a huge project that only worsens the situation.

Colorado Springs is considered the "big bully" in this ongoing water issue. It's time for them to take a step back.

First things first: Colorado Springs officials should address the issues at hand such as Fountain Creek. They should become responsible water users before they gain access to more of the precious commodity.

Though they may have the legal rights to follow through with the Southern Delivery System, it's unfair and irresponsible to ignore the current mess and follow through with a project that brings more detrimental effects.

NATIONAL MINORITY CANCER
AWARENESS WEEK

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. CASTOR. Madam Speaker, I would like to express my strong support of National Minority Cancer Awareness Week. This week increases awareness about the effects of cancer in minority communities and is dedicated to emphasizing the importance of early cancer detection.

Today, minorities are more likely to be diagnosed and die from cancer in comparison to the rest of the United States population. According to the American Cancer Society, African American men have a 37 percent higher cancer death rate than white men, and death rates for African American women are about 17 percent higher than rates for white women, despite the fact that African American women have lower cancer incidence rates than white women.

Disparities in breast cancer for minority women are among the most common. Studies have highlighted that African American women are 1.9 times more likely to be diagnosed with an advanced stage of breast cancer than white women. Hispanic women are 1.4 times more likely to be diagnosed with an advanced stage of breast cancer than white women. It is clear that, although there have been efforts to eliminate disparities in breast cancer related care, substantial disparities remain.

Today, in accordance with National Minority Cancer Awareness Week, I introduce, the Eliminating Disparities in Breast Cancer Treatment Act of 2008. This legislation will promote the implementation of standardized health care practices for breast cancer patients and help to eliminate inequities based on race, education, income, and health insurance status.

In order to eliminate unacceptable gaps in treatment quality, it is necessary that we create real incentives and requirements for doctors to provide the best care. All patients should receive the best treatment for their conditions. Quality care should be provided for everyone, not just patients that know to ask for it.

TRIBUTE TO THE MOUNT CARMEL
MISSIONARY BAPTIST CHURCH

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise to commend Mount Carmel Missionary Baptist Church of Topeka, Kansas on its one-hundredth anniversary.

Mount Carmel is a fixture in the city of Topeka. It has thrived within the Capital City of Kansas throughout many adversities, both national and local. The past 100 years has offered our Midwestern State many challenges. The Great Depression, two World Wars and a Dustbowl to name a few. We have needed a place of refuge when things seemed their worst. Whatever the cause for prayer happened to be, Mount Carmel's doors have always been open to Kansans in need. They have been a provider of faith, hope and comfort . . . three products which come free and can never be overproduced.

I would be remiss to not mention the happiness born within this church as well. Babies have been baptized in recognition of life's beginnings. Countless weddings and social gatherings have taken place within its walls. Friends and loved ones have gathered around to say 'goodbye.'

It has been a meeting point for good community members. It has been a rallying point for those who make up the backbone of our Kansas communities.

I offer my sincerest congratulations to Mount Carmel Missionary Baptist Church and I truly hope they are there to serve the good people of Kansas for another hundred years.

HONORING MANAMI KITAZAWA

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. DOYLE. Madam Speaker, I rise today to recognize the artistic ability of a young woman from my Congressional District, Manami Kitazawa of Woodland Hills High School.

Manami is the winner of the 2008 14th Congressional District of Pennsylvania's High School Art Competition, "An Artistic Discovery." Manami's artwork, an intricately detailed charcoal drawing, was selected from a

number of outstanding entries to this year's competition. Fifty works from ten different high schools were submitted to our panel of respected local artists.

Manami is an exchange student from Japan who is spending a year attending high school in my district in Pennsylvania. I am certain that her family in Japan and her host family here in the United States are both proud of her artistic talents as well as this accomplishment.

Manami's artwork will represent the 14th Congressional District of Pennsylvania in the national exhibit of high school students' artwork that will be displayed in the United States Capitol over the coming year. I am certain Manami had no idea that one of her drawings would hang in the U.S. Capitol when she applied to study in the United States.

I encourage my colleagues as well as any visitor to Capitol Hill to view Manami's artwork, along with all of the other winning artwork that will be on display in the Capitol tunnel. It is amazing to walk through this corridor and see the interpretation of life through the eyes of these young artists from all across our country—and in Manami's case, from across the globe.

I would like to recognize all of the participants in this year's 14th Congressional District High School Art Competition, "An Artistic Discovery." I would like to thank these impressive young artists for allowing us to share and celebrate their talents, imagination, and creativity. The efforts of these students in expressing themselves in a powerful and positive manner are no less than spectacular. I hope that all of these individuals continue to utilize their artistic talents, and I wish them all the best of luck in their future endeavors.

IN MEMORY OF PAUL MOLÉ

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. GALLEGLY. Madam Speaker, I rise to pay tribute to Paul Molé, a family man, a Marine, an entrepreneur and a long-time friend to my wife, Janice, and I, as well as our children, who died too young this week at age 60.

I met Paul more than 30 years ago while I was mayor of Simi Valley, California. A retired Marine and Purple Heart-decorated Vietnam War veteran, Paul served as the Marine bugler at Veterans Day and other veteran community events in Simi Valley and elsewhere throughout Ventura County. He founded the Marine Corps League Ventura County Detachment 597 to help active and retired Marines.

The restaurant he and his wife, Roseann, purchased from Roseann's parents in 1974 and which they renamed Paul's Italian Villa, became a mainstay of community activity. Not only was it a meeting place—official and unofficial—for the Marine Corps League, it served as the collection site for the annual Toys for Tots campaign for disadvantaged children, which Paul helped organize every year.

In addition, the Royal High School football team carbed down on spaghetti at the restaurant and were treated to Marine cheers from Paul before every game. Like many in Simi Valley, my tie to the restaurant is also personal—my daughter, Shannon, was one of the many Simi Valley teens and young adults

who found work at the restaurant. Once you became part of Paul's and Roseann's extended family, you never left.

In addition to the restaurant, Paul was building a business repairing musical instruments, which grew out of his 1940s-style swing band, Paul Molé's Late Night Big Band. Paul played trumpet with 19 other professional musicians at community events and professional venues.

Paul Molé's a man with a huge heart accented by a lively sense of humor and a love of life. He is survived by Roseann, his wife of 38 years; two grown sons, Peter and Paul; two grandchildren; and too many friends to count. Madam Speaker, I know my colleagues will join me offering our condolences to Roseann, Peter, Paul and the rest of the Molé family, and all who knew him and called him a friend.

Godspeed, Paul.

HONORING MERCY HEALTH SYSTEMS FOR RECEIPT OF THE 2007
MALCOLM BALDRIDGE NATIONAL
QUALITY AWARD

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. MANZULLO. Madam Speaker, I rise today to honor Mercy Health System for receiving the highly prestigious Malcolm Baldrige Award yesterday at a special White House ceremony with the President. This award was created by Congress in 1987 in honor of former Commerce Secretary Malcolm Baldrige who had a passion for instilling quality and excellence in U.S. products and services. The award recognizes those in the private sector that help improve quality and productivity. It honors U.S. companies and non-profits for organizational innovation and performance excellence.

Mercy Health System started 18 years ago as a stand-alone hospital and transformed into a vertically integrated health system with 63 facilities serving 24 communities throughout southern Wisconsin and northern Illinois. Mercy now sees over 1 million patients annually, and employs 3,856 partners, 285 of whom are employed physicians. Mercy has added nearly \$1.1 billion in industry economic sales, which has created an additional indirect 1,200 jobs in their service area. In the 16th District of Illinois, Mercy has a 77-bed acute-care hospital in Harvard, Illinois, along with 17 health care clinics in McHenry County, Illinois.

It is obvious that Mercy Health System did not reach these achievements by resting on its laurels. They have met the challenge of growth by developing a holistic approach to quality and a commitment to organizational excellence. Their actions back up their Four Pillars of Excellence: Quality, Service, Partnering, and Cost. I am impressed by their servant-leadership model as exemplified by Javon Bea, President and CEO of Mercy Health System.

Madam Speaker, I am proud to represent the employees and the patients of the Mercy Health System. They richly deserve to share in the high honor of the Malcolm Baldrige Award.

**BELLEVUE: THE #1 CITY IN
AMERICA FOR SMALL BUSINESS**

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. REICHERT. Madam Speaker, I rise to congratulate the City of Bellevue, Washington, for being named the best place in the Nation to live and launch a business by Fortune Small Business. Anyone who has visited in the past decade couldn't help but notice the abundance of construction cranes throughout the downtown area. They would also quickly realize that Bellevue embodies the true spirit of American innovation. I'm proud to represent this city that lies within the Eighth Congressional District of Washington.

Bellevue is a worthy recipient of this honor, with its growing downtown and natural beauty thanks to its proximity to the Cascade Mountains and breathtaking Mount Rainier. Citizens can enjoy the 90 city parks or nearby views of Lake Washington. With multiple high-tech corporations in the city, Bellevue draws a talented, high-tech workforce that embodies the entrepreneurial spirit that grows our economy and creates jobs.

As we celebrate the achievements of small businesses across the Nation during "Small Business Week," it is my hope that cities across the country follow Bellevue's lead and embrace their entrepreneurial spirit. Small businesses are the backbone of our economy, and provide the key to our economy's resilience in uncertain economic times. Today, I'm proud to honor the City of Bellevue for its achievements in creating one of the finest places in America to live and work.

I ask for unanimous consent to insert the following article into the record.

THE NO. 1 CHAMPION: BELLEVUE, WASH. ABUNDANT TECH TALENT. GORGEOUS VIEWS. (BUT COSTLY HOMES AND TAXES.)

(By Mina Kimes, March 26, 2008)

BELLEVUE, WASH. (FORTUNE Small Business)—Earl Overstreet, Chief Executive Officer of General Microsystems (GMI) in Bellevue, travels fewer than five times a year for business. But he visits the Mercer Slough Nature Park, across the street from his office, every day on his lunch break. He walks across a wooden bridge, gazes at Bellevue's rising downtown—and then turns away.

Over the past ten years Overstreet has watched the city evolve from a bedroom community into an urban center of skyscrapers and 117,000 inhabitants (the latest population figures, according to the local chamber of commerce), but he's more eager to point out blackberry bushes and red-tailed hawks.

"When you're surrounded by mountains and nature," he says, "you can't help but be content."

Overstreet, 60, and his wife, Barb, the firm's CFO, spend free time hiking, kayaking, and biking around the area. While new businesses are cropping up quickly, most office buildings are still enveloped by greenery—the city boasts 90 parks and 50 miles of trail. "Taxes [including a 0.1496% business tax on gross receipts] and property costs are high," says Overstreet, "but it's a premium for the living conditions."

The median home sale price hovers at \$500,000 (the metro area averages about \$400,000), but Bellevue, lying 20 minutes from Seattle, also boasts low crime rates, great

schools, and excellent health care. Nearly 60% of locals over 25 have at least a bachelor's degree. The city expects to add 15,500 jobs by 2010, up 11.5% from 2006. Bellevue's strategic location helps tire growth. GMI, whose revenue rose from \$6 million in 2002 to \$28 million last year, is based near its suppliers—Hitachi, Symantec, Sun Microsystems—as well as customers such as Boeing and Starbucks.

"Many of our employees came from our clients," Overstreet says.

The city is also a font of tech talent, thanks to the Microsoft campus in nearby Redmond. Many former Microsofties have launched startups in Bellevue. Current employees pour wealth into a growing service sector.

Overstreet points out that many small businesses in Bellevue operate globally—not surprising considering that 40% of the population is nonwhite or foreign-born. "We do have a glittering downtown now," he says, "but it's the diversity that attracts entrepreneurs like me."

**COMMEMORATING THE SURVIVORS
OF THE 93RD ANNIVERSARY OF
THE ARMENIAN GENOCIDE**

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ACKERMAN, Madam Speaker, I rise today to commemorate the survivors of the Armenian genocide. Today marks the 93rd anniversary of the Armenian genocide which began in 1915 and lasted until 1923. Over the course of 8 years 1.5 million Armenians in the Ottoman Empire were murdered and over 500,000 were forced into exile. On this day we should take a moment to think of the survivors and commend them for the bravery they continue to show in the face of the memories they carry of that awful time.

We are told to never to forget the egregious acts that human beings commit against other human beings, especially when they come in the form of a calculated mass extermination of a single people. In remembering the Armenian genocide it is important to keep in mind that we are not pointing fingers at Turkey. Modern day Turkey is no more the Ottoman Empire than today's Germany is the Third Reich. But we must not banish the truth from the world stage. What was done to the Armenian people was atrocious, nothing less than a crime against humanity. As such, it is our responsibility to accurately describe what happened between 1915 and 1923 and admit that what was done to the Armenian people was genocide.

As each year passes the number of survivors of the Armenian genocide diminishes further. And while there is nothing that can be done to alter the past, we can and should ensure that generations to come know how the Armenian people suffered at the hands of the Ottoman Empire. It is also important that this day be marked to commemorate the survivors of the Armenian genocide so that their fight for survival is honored and revered rather than forgotten and ignored.

Madam Speaker, I ask that all of my colleagues to join me in commemorating the survivors of the Armenian genocide on its 93rd anniversary.

**INTRODUCTION RESOLUTION
REGARDING TSA RAIL SECURITY**

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to introduce a resolution regarding the role of the Transportation Security Administration in securing our Nation's rail and mass transit lines. This resolution reaffirms the Congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 that the Transportation Security Administration enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines.

I am pleased to have Homeland Security Committee Chairman BENNIE THOMPSON, as an original cosponsor of this resolution. Chairman THOMPSON has been a leader in our efforts to secure against terrorist threats to our Nation's rail and mass transit lines.

Each weekday 11,300,000 passengers depend on our Nation's mass transit lines as a means of transportation.

Our Nation's mass transit lines serve as a target for terrorist attack as evidenced by the March 11, 2004, attack on the Madrid, Spain, mass transit system, the July 7, 2005, attack on the London, England, mass transit system, and the July 11, 2006, attack on the Mumbai, India, mass transit system.

The Transportation Security Administration has, through the development of its National Explosives Detection Canine Team Program, furthered its ability to provide security against terrorist attacks on the Nation's transportation systems by preventing and protecting against explosives threats.

It is imperative that our Nation's rail and mass transit lines remain secure from terrorist attack as they are critical to the functioning of our Nation's economy and serve as a means of transportation on a daily basis for millions of hard-working Americans.

**JOURNEY THROUGH HALLOWED
GROUND NATIONAL HERITAGE
AREA**

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WOLF. Madam Speaker, Pursuant to the Republican guidelines on earmarks, I submit the following statement for the RECORD regarding S. 2739, the Consolidated National Resources Act, which includes the Journey Through Hallowed Ground National Heritage Area.

Requesting Member: Congressman Frank Wolf.

Bill Number: S. 2739.

Provision: Title II, Section 2010.

Legal Name of Requesting Entity: Journey Through Hallowed Ground Partnership.

Address of Requesting Entity: P.O. Box 77, Waterford, VA 20197.

Description of Request: The legislation authorizes the appropriation of up to \$1,000,000 a year for the purpose of carrying out a management plan, which must first be approved

by the secretary of Interior. The management plan will describe comprehensive policies, goals, strategies, and recommendations for telling the story of the Journey Through Hallowed Ground National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Area. The authorization is limited to \$15 million total. The legislation also requires a non-federal cost share match for each dollar contributed by the federal government. The Partnership must also submit an annual report to the secretary for each fiscal year for which the local coordinating entity receives federal funds under this subtitle, which specifies the performance goals and accomplishments of the local coordinating entity and other related information, including uses of funds and amounts of non-federal funds leveraged in the effort. The Partnership is authorized, for the purposes of preparing and implementing the approved management plan for the National Heritage Area, to use federal funds made available under the legislation to make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area; enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, federal agencies, and other interested parties; hire and compensate staff, and other purposes related to the national heritage area.

The Journey Through Hallowed Ground Partnership is the designated local coordinating entity for this national heritage area. The Partnership is comprised of over 150 partners, including every elected body within the four-state region, including Virginia, West Virginia, Maryland and Pennsylvania, the convention and visitor associations of each of the included 15 counties, and the directors of tourism from each of the four states.

The legislation does not permit the Partnership to use any federal funds provided under the Act to acquire any interest in real property. In addition, Section 408 of the Act sets forth numerous safeguards for private property and makes unmistakably clear that nothing in the Act abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area.

PERSONAL EXPLANATION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. COOPER. Madam Speaker, I was absent on Tuesday, April 22, and much of Wednesday, April 23rd for personal reasons. Had I been present Tuesday for votes, I would have voted "yes" on each of the three votes taken: H.R. 5151, H.R. 831, and H. Res. 981. Had I been present Wednesday for votes, I would have voted "no" on the motion to adjourn and "yes" on both H.R. 5613 and H. Con. Res. 322. I would also have voted "yes" on ordering the previous question and passage of the rule, H. Res. 1125, and "yes" on all three amendments to H.R. 5819.

93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. COSTA. Madam Speaker, I rise today to commemorate the 93rd anniversary of the start of the Armenian genocide, which was the first genocide of the 20th century and sadly, the template for a cycle of genocide that continues to this very day.

It is, by any reasonable standard, established history that between 1915 and 1923 the Ottoman Empire systematically killed an estimated 1.5 million Armenians and drove hundreds of thousands of others into exile from their ancestral homeland. The record of this atrocity is well documented in the United States Archives and has been universally accepted in the International Association of Genocide Scholars and the broader historical and academic communities.

However, there is still debate around the world, including here in our Nation, on whether this incident actually qualifies as genocide. On April 26, 1915, the New York Times reported on the first reported purges of Armenians in Ottoman Turkey. Later in 1915, the Times ran a front page article about a report from the Committee on Armenian Atrocities discussing exactly what was happening to Armenians in Turkey. "The report tells of children under 15 years of age thrown into the Euphrates to be drowned; of women forced to desert infants in their arms and to leave them by the roadside to die; of young women and girls appropriated by the Turks, thrown into harems, attacked or else sold to the highest bidder, and of men murdered and tortured."

One can debate specific historical incidents, but growing up in Fresno, California, the land of William Saroyan, I heard stories shared by grandparents from the Kezerian, Koligian and Abramian families about being forced to leave their homes, the stories of the long marches, and the random murders. Clearly, they believed there was a systematic approach to eliminate the Armenian communities in places that had been their homes and farms for centuries. My Armenian friends believe this systematic approach was among the first genocides of the 20th century, and so do I.

Around the world, in the single, longest lasting and far-reaching campaign of genocide denial, Turkey seeks to block recognition of this travesty. It's against the law to even mention the Armenian genocide in Turkey. The Armenian Genocide involved the issue of man's injustice to mankind, and it continued to occur throughout the 20th century in the Holocaust, Cambodia, Rwanda, Bosnia, and now in Darfur. As leaders, we must confront this and not allow Turkey to continue to stand alone and ask us to believe that the Armenian genocide was not genocide.

In standing up to this policy of denial, we, of course, honor the martyrs of the genocide and we encourage our Turkish allies and friends to come to terms with their past. And, in a very powerful and significant way, we reinforce our own vital role, as Americans, in leading the international community toward unconditional opposition to all instances of genocide.

Last October, the House Foreign Affairs Committee passed H. Res. 106, a resolution

to recognize the Armenian genocide in the United States. Unfortunately, this bill has yet to come before the full House for a vote. Supporters of this resolution are constantly told that now isn't the time to recognize the genocide, that scholars, not Congress, should determine if this event was genocide, or that passage of this resolution will hurt our relationship with Turkey. I could not disagree more with these statements.

First, there is never a "right time" to recognize genocide. Ninety-three years have passed since the start events occurred, and we cannot wait around for a convenient moment to recognize this truly catastrophic historical event. Secondly, the scholars have spoken and the historical record is clear and thoroughly documented. And finally, we have seen over and over again that Turkey's warning of disastrous consequences are dramatically overstated. In fact, in nearly every instance, Turkey's bilateral trade has gone up with each of the countries that have recognized the Armenian genocide—including Canada, Italy, France, Russia, and Belgium.

Genocide is not something that can simply be swept under the rug and forgotten. We need leaders around the world to not only recognize it, but to condemn it so the world can truly say, "Never Again." The United States cannot continue its policy of denial regarding the Armenian genocide, and I encourage passage of H. Res. 106 to recognize the Armenian genocide in our Nation.

93RD ANNIVERSARY COMMEMORATING THE ARMENIAN GENOCIDE

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CROWLEY. Madam Speaker, I rise today to recognize and commemorate the 93rd Anniversary of the Armenian genocide.

Since being elected to the U.S. Congress, I have come to the floor of the House every year to solemnly remember the atrocities that began on April 24, 1915—when the Ottoman government ordered the deportation of 2.5 million Armenians and oversaw the murder 1.5 million Armenian men, women, and children.

Today, as I stand for the 10th time in recognition of the Armenian genocide, I do so with one major distinction from years past. This year is different because the House Foreign Affairs Committee has formally recognized the Armenian genocide. Last October, under the leadership of the late Chairman Tom Lantos, the Committee passed House Resolution 106.

As a member of the Foreign Affairs Committee, I was proud to have been a part of this vote. And, as a strong supporter of the Armenian community, I will be proud when the full House of Representatives considers H. Res. 106.

In 2003, during my first visit to Armenia, I planted a tree at the genocide memorial and paid homage to those who perished and suffered. It was a somber day, just like today's anniversary of the Armenian genocide. We not only participate in these events to remember the past, but also so we never forget.

We must never forget the horrific events that took place 93 years ago. We must never

forget those who were wrongly imprisoned, those who suffered and died, or those who lost their families and loved ones. And, most importantly, we must never forget that we must never let such atrocities occur again.

Madam Speaker, today, as we commemorate the 93rd Anniversary of the Armenian genocide, I urge the House to prevent history from repeating itself by finally recognizing the past.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. FOXX. Mr. Speaker, as a proud co-sponsor of House Concurrent Resolution 322, which recently passed the House of Representatives, on the occasion of the 60th anniversary of the modern State of Israel, I wish to take an opportunity to reflect on this truly monumental event. Since the time of its creation 60 years ago, Israel has served as an example of democracy and equal rights for her neighbors. Israel has also proved to be steadfast ally to the United States in a variety of ways, particularly within our country's diplomatic efforts in the Middle East.

Since its founding in 1948, the modern State of Israel has served as a democratic anchor in the Middle East. Like the United States, the Israeli Declaration of Independence protects freedom of speech, freedom of religion, a free press, free elections, and many other tenets of a free society. Israel established a democracy in the midst of a politically tumultuous region and by guaranteeing the basic rights of her citizens, sets herself apart from her authoritarian neighbors.

Israel prides herself on women's rights and equal pay for women in the workforce. The first female Prime Minister, Golda Meir, was elected in 1969, just 21 years after the formation of modern Israel. Women now serve as the foreign minister, speaker of the Knesset, and chief justice of the Israeli Supreme Court. Furthermore, Israel has recognized the necessity of providing equal rights regardless of gender or race and deserves to be commended.

Not only is Israel an example for her neighbors as a thriving democracy, where citizens' rights are protected through the rule of law, she has also been an avid supporter in the global war on terror. The U.S. and Israel are continually working together to develop sophisticated military technology and improve Israel's defense systems and soldier protection. In the interest of global freedom I hope, and am confident that, this friendship will continue in the future.

It is with great joy that I extend my best wishes for the 60th anniversary of the modern State of Israel and wish them a prosperous future.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

SPEECH OF

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. BACHMANN. Mr. Speaker, today, the House is considering H.R. 5613, Protecting the Medicaid Safety Net Act of 2008. This legislation would place a moratorium on certain rules promulgated by the Centers for Medicare and Medicaid Services, CMS. While I applaud CMS for looking for ways to reduce the burden on taxpayers and to root out fraud which is regrettably rampant in the Medicaid program, some of these proposed rules simply go too far. They shift too great a cost to the States and leave many vulnerable Americans more vulnerable still. And so I will support this temporary stay to give the administration time to consider ways to meet its goals in a less draconian manner.

To be sure, the Medicaid program has been abused. For instance, a CMS Inspector General report found \$3.8 million in undocumented services in the targeted case management program, one which is impacted by these very rules. And CMS's regulations would certainly combat instances of waste and fraud. However, implementing a 1-year moratorium will give CMS an opportunity to review the regulations and give States and local providers an opportunity to prepare for pending implementation, each knowing that real reform is on the horizon. While I believe it is important to rein in entitlement spending, these rules, as currently formulated and immediately imposed, would jeopardize needed care for some of the most vulnerable populations of Americans.

That being said, I am pleased that to address abuses of the Medicaid program, H.R. 5613 provides for anti-fraud enforcement activity in the interim. The bill also provides for the Department of Health and Human Services to hire an independent contractor to produce a report by March 1, 2009, on the proposed regulations and their impact on States. Moreover, all of these costs, as well as the foregone savings resulting from this moratorium are fully offset, meaning H.R. 5613 will not increase the national debt.

The Medicaid program has helped millions of America's neediest individuals, including seniors, foster kids and the disabled, gain access to quality care, and while there have indeed been instances of misallocated funds, H.R. 5613 finds balance between regulatory restraint and financial flexibility, and it maintains a strong partnership with the States.

COMMENDING CONSTANTINO BRUMIDI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ACKERMAN. Madam Speaker, I rise today to pay tribute to a great artist whose love of liberty inspired him to adorn the United States Capitol with beautiful frescoes. That man, of course, is Constantino Brumidi.

Brumidi's work adorns one House committee room and five Senate committee rooms

in the Capitol. His work also decorates the Senate Reception room, the Office of the Vice President and most notably, the President's room which for many represents Brumidi's supreme effort.

Constantino Brumidi emigrated to the United States in 1849 and took up residence in New York City where he plied his trade as a portrait painter. That was soon followed by more important commissions in St. Stephen's Church. Those works include a fresco of the Crucifixion as well as works depicting the Martyrdom of St. Stephen and the Assumption of St. Mary. But it was on a return trip from Mexico that Brumidi stopped in Washington, DC and toured the Capitol building. He found in it a canvass that inspired him for the remainder of his life. Brumidi suggested to Quartermaster General Montgomery C. Meigs that the walls of the Capitol be decorated and Meigs agreed giving Brumidi the commission as well as making him a captain in the cavalry.

Brumidi's first work was in the meeting room of the House Agriculture Committee. He received \$8 a day, but was soon given a raise to \$10 a day by then Secretary of War Jefferson Davis since his work was receiving such favorable mention. Along with the raise came further commissions in the Capitol which include the Apotheosis of George Washington in the dome as well as other allegories and scenes from American history.

Brumidi died in 1880 but we have the benefit of seeing his work everyday we are here. And Americans who travel to our Nation's Capitol can also enjoy Brumidi's work, yet few know him or his story. That's why I believe all members should support two important bills pending before the House that will honor Constantino Brumidi and his work here in the Capitol. The first is H.R. 1609 introduced by Representative BILL PASCRELL. H.R. 1609 would posthumously award a Congressional Gold Medal to Constantino Brumidi and authorize the striking of duplicate medals for sale to the public. The second is H.R. 1313, introduced by Representative GUS BILIRAKIS to direct the Joint Committee on the Library to obtain a statue of Constantino Brumidi for display in the Capitol Visitors Center. Both of these bills will honor the memory of a great artist and so I ask all my colleagues to join me in supporting them both.

LIVINGSTON HIGH SCHOOL 100-YEAR CELEBRATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. BRADY of Texas. Madam Speaker, I rise today to honor and congratulate the city of Livingston and the Livingston Independent School District, as they celebrate the 100-year anniversary of Livingston High School. Since graduating its first class of three students in 1908, Livingston High School has been a place devoted to the single purpose of educating young people.

Since the city was established in the 1840s, education of youths has been of great public importance. In fact, the earliest recorded free school system in Livingston was established in 1849 and funded by the Trinity Masonic Lodge No. 14. Classes were held on the first floor of

the Lodge building until the late 1880s. A school term during that time only lasted 3 months so as to enable the students to assist their families with farming activities.

The first structure solely devoted to public education was built in 1888 and was located on Jackson Avenue. The high school, which at that time allowed students to attend grades 9 and 10, was not initiated until 1906. Even though the size of that first graduating class was small in number, their accomplishments were far and reaching. The first female to graduate, Mrs. Myra Lewis (Green), became a schoolteacher and taught in Livingston and Raymondville. Mr. Brown L. Meece went on to attend Texas A&M University and later became Vice-President for both Global and Sinclair Oil Companies. After graduating from Livingston High School, Mr. Ralph Feagin attended the University of Texas and later served as Executive Vice President of Electric Bond and Share Company in New York City and later in his life he became a partner at the law firm of Baker, Botts, Andrew, and Wharton.

Today, Livingston High School is home to approximately 1200 students that attend the ninth through the twelfth grade. Students at the school have the ability to enrich themselves academically, culturally, and athletically by participating in many different clubs and extracurricular activities.

Livingston High School has worked hard to prepare its students for the rigors of a college education. Additionally, Livingston High School serves as an off-campus center for Angelina College which enables the students to earn college credits while still in high school.

Looking back at the 100-year history of Livingston High School there is much to be proud of. Graduates of Livingston High School have excelled in all areas of life and made many positive contributions to our country. We can rejoice, however, because with great teachers and administrators there are many more positive years ahead for Livingston High School.

Madam Speaker, our Nation's high schools are places that prepare the youth of our great country to lead prosperous lives, and it is an honor to represent a high school that has such a distinguished record on doing just that in the U.S. House of Representatives. I urge you to join in congratulating Livingston High School on 100 years of excellence in educating the youth of Polk County.

IN HONOR OF EQUAL PAY DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. AL GREEN of Texas. Madam Speaker, I wish to acknowledge and honor the 10 year anniversary of Equal Pay Day, a national day of recognition instituted by President Clinton in 1998 to raise awareness about the wage disparity and discrimination between men and women.

America has made some strides in narrowing this disparity in the workplace, but the fight for equal pay for equal work still remains prevalent and pertinent today. Thirty-five years

ago, when President Kennedy signed the Equal Pay Act of 1963, women who worked full-time, year-round made 59 cents on average for every dollar earned by men. In 2006, women earned 77 cents for every dollar earned by men; the figures are even more unsettling for women of color. This data demonstrates that the wage gap has narrowed by less than half a cent per year. An 18 cent increase over 35 years indicates a significant wage disparity between working men and women that leaves a great deal of work for the employers and decision makers of today.

In the state of Texas, between 2004 and 2006, the average annual salary of men with a college degree or more was \$63,000, while their female counterparts only received an average annual salary of \$45,000 with the same credentials. In comparison, during that same time frame, the national average annual salary for men with a college degree or more was \$66,000, while their female counterparts received only \$50,000. Therefore, the state of Texas is about 5 percent below the national average in narrowing the wage disparity between men and women.

A great woman and former congresswoman from Texas, Barbara Jordan once said that, "If the society of today allows wrongs to go unchallenged, the impression is created that those wrongs have the approval of the majority." To take the late Ms. Jordan's advice: we who live in today's society must not allow the wrongs created by wage discrimination continue to discount minorities and women.

I ask my colleagues and employers nationwide to take up the fight of eliminating the wage disparity between men and women as we all honor the 10 year anniversary of Equal Pay Day.

YORK-ADAMS COUNTY CENTRAL LABOR COUNCIL 19TH ANNUAL WORKERS MEMORIAL DAY

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. PLATTS. Madam Speaker, I rise to commend the York-Adams County Central Labor Council, for helping to bring safety awareness to the issue of worker safety.

Every April for the past nineteen years, the York-Adams Central Labor Council has celebrated Workers Memorial Day by sponsoring public events to recognize workers who have been killed or injured on their job.

While the workplace fatality rate has decreased significantly since the passage of the Occupational Safety and Health Act, OSHA, in 1970, we must remain vigilant in working to ensure that workers are employed in safe environments. As a Member of the House Education and Labor Committee, I believe that ensuring worker safety should be one of Congress' top priorities.

Congress must appropriate adequate funding for OSHA so that representatives can carry out safety inspections and enforce safety regulations within workplaces across the Nation. It is imperative that employers understand OSHA regulations and comply accord-

ingly to maintain the safest work environments possible.

Madam Speaker, I congratulate the York-Adams County Central Labor Council for its strong commitment to promoting safety in the workplace and look forward to joining them in honoring injured and deceased workers everywhere.

RECOGNIZING GERALDINE "JERRE" MCPARTLIN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. EMANUEL. Madam Speaker, I rise today to honor Geraldine "Jerre" McPartlin for receiving "The 2008 Sister Huberta McCarthy, R.S.M. Woman of Mercy" award. Mrs. McPartlin is the fifth woman to have the honor of receiving the "Woman of Mercy" award, and I congratulate her on this achievement.

This award has been presented by Mercy Hospital and Medical Center's Women's Board in honor of Mrs. McPartlin's work carrying forth the mission of Mercy Hospital throughout her professional and private life.

In 1852 Mercy Hospital and Medical Center was founded as the State of Illinois' first hospital and Chicago's first chartered hospital. For the last 155 years, Mercy has helped treat countless Chicagoans from all backgrounds, income levels, and educations seeking medical care.

Jerre, as she is known to her friends and family, was raised on the West side of Chicago and educated at Resurrection Grammar School and Siena High School by the Sisters of Mercy. She began her career working with the local labor movement as a business agent for the Hotel Employees and Restaurant Employees Union. This union serves thousands of workers in the hospitality and food service industries in the Chicagoland area. In 1985 she became the First Vice-President of the Chicago Federation of Labor, and in 1995 was named "Labor Woman of the Year" by the Chicago Federation of Labor.

Jerre has given her time to a long list of worthwhile charities, including Concern Worldwide USA, Misericordia, and Mercy Home for Boys and Girls. She has been a member of the Mercy Women's Board for several years, as well as Vice President of the Women's Board from 2003–2005.

Amazingly, she has managed to give so much of her time and energy to others while also being devoted to another sizable organization—her family. Jerre has 12 children, 23 grandchildren, and 8 great-grandchildren, and I am as impressed with the size of her family as her commitment to service.

Madam Speaker, because of Jerre McPartlin's tireless commitment to our community, she has touched the hearts and lives of thousands of Chicagoans. On behalf of the people of the Fifth Congressional District of Illinois, I thank her for her service to the people of Chicago and wish her the best of luck in her future endeavors.

SCHEDULE FOR THE SELECT COMMITTEE TO INVESTIGATE THE VOTING IRREGULARITIES OF AUGUST 2

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. DELAHUNT. Madam Speaker, the Select Committee would like to give the Members a brief update on the activities of the Select Committee to Investigate the Voting Irregularities of August 2. The Select Committee held a series of briefings and hearings designed to inform the members of the Select Committee of the mechanics of conducting a record vote on the House floor, the electronic voting system, and the precedents and procedures relevant to the voting process. The Select Committee has been conducting a thorough investigation of rollcall 814, including the motion to reconsider that vote (rollcall 815). The Select Committee has completed 18 staff interviews and 4 Member interviews, perused almost 5000 pages of documents related to rollcall 814, and engaged in discussions on possible recommendations of changes to the rules and procedures of the House as mandated by the Select Committee's authorizing resolution (House Resolution 611). In the next month, the Select Committee will hold two public hearings relative to its investigation, one public hearing relative to its recommendations, and one public meeting on its final report. The Select Committee intends to file its final report by the end of May.

OBSERVING THE ARMENIAN GENOCIDE

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WALZ of Minnesota. Madam Speaker, today we mark a sad anniversary, the 93rd anniversary of the Armenian genocide, April 24, 1915 was the day that over two hundred Armenian political and intellectual leaders were arrested by Ottoman authorities. Subsequently, the systematic killing of Armenians resulted in well over one million deaths. This horrible mass killing is well-recognized and well documented, including in the United States' national archives, and it has been confirmed by the International Association of Genocide Scholars.

It is important to commemorate those who lost their lives. And it is important to recognize the Armenian genocide for what it was. At the time, the United States government and its citizens acted with generosity and diplomatic support in response to the mass killing. Today's observance is a continuation of that response. And only by recognizing and studying past cases of genocide will we have a chance of preventing them in the future.

93RD COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. PALLONE. Madam Speaker, I rise today to commemorate the 93rd anniversary of the Armenian genocide. As the first genocide of the 20th century, it is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

In 1915, Henry Morgenthau, America's ambassador stationed in Istanbul described a "systematic attempt to uproot peaceful Armenian populations." He warned Washington of the government's plan to "crush the Armenian race."

After these warnings from Morgenthau, the U.S. Government took action and responded to the Armenian genocide. During a time when hundreds of thousands were left orphaned and starving, a time when a nation was on the verge of complete extermination, the United States took the lead and proudly helped end these atrocities. In fact, Americans helped launch an unprecedented U.S. diplomatic, political and humanitarian campaign to end the carnage and protect the survivors.

Yet, 93 years later, the United States has not officially recognized the Armenian genocide. We owe it to the Armenian-American community, to the 1.5 million that were massacred in the genocide and to its own history—to reaffirm what is fact.

Last October, the Foreign Affairs Committee passed the Armenian Genocide Resolution, giving full recognition to the genocide, but, since then, the bill has stalled due to the deep pocketed and well oiled Turkish lobby.

By not recognizing the Armenian genocide for what it was, the government sponsored, systematic killing of a people, we fall prey to the Turkish government's threats. At the expense of truth, we buckle to Turkey out of geo-political convenience.

Refusing to recognize the Armenian genocide only erodes our international reputation as human rights leaders. By remaining silent, we encourage Turkey to continue denial. While we look the other way, the Turkish government continues to prosecute those who speak out about the Armenian genocide in Turkey. This cannot continue. We must stop pandering to Turkish government.

Fortunately, there are citizens of Turkey who refuse to deny the facts of the Armenian genocide. The Human Rights Association of Istanbul opposes the government muzzle. They recognize that state denial is the continuation of genocide, depriving the decedents of the Armenians the right to mourn their loved ones.

We cannot let denial continue. By doing so, we show the international community that not only is genocide accepted, but that we are indifferent. Recognizing the Armenian genocide is crucial to helping end the cycle of genocide that has continued to plague civilization. If no one is held accountable, if America and the International community fail to act, then we allow these atrocities to continue.

A large majority of our colleagues want to support this resolution. Members want to reaffirm the United States' record on the Armenian

genocide. Unfortunately, the strong Turkish lobby is making it difficult for this House to take a firm stance for the truth.

Recognizing the Armenian genocide will bring closure to a people and send the message that crimes against humanity cannot be silenced.

HONORING THE SERVICE OF DR. ERNEST MUNTZ

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. SHULER. Madam Speaker, I rise today to honor the service of Dr. Ernest Muntz. Dr. Muntz left Wheaton College during his second year to join his fellow countrymen in defending freedom around the globe. Seeing his country in peril, simultaneously fighting a war on two fronts, Dr. Muntz enlisted in the Army Air Corps in 1942 because he believed that it was "the right thing to do."

During Dr. Muntz's time of service in the Army Air Corps, he played a key role as a cryptographer in the Pacific Theater. He received and deciphered messages as part of the Army Airways Communications System, saving lives with each decoded message. He retired from the U.S. Air Force in 1975 with the rank of full Colonel.

After the war, Dr. Muntz decided to complete his education at Wheaton College, graduating in 1948. He continued his education at the University of Rochester, earning his doctorate in history in 1960. Dr. Muntz held various professorships and contributed his knowledge and passion for academia to institutions of higher education. He had a distinguished career as a full professor of history at the University of Cincinnati and then dean of the Raymond Walters College.

I am honored to have Dr. Ernest Muntz as my constituent, and I hope that today's generation of young men and women will follow the shining example of patriotism and scholarship that he has set.

93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, every year we mark the anniversary of a terrible event that took place over the years of 1915–1923, during the First World War, when 1.5 million Armenians were slaughtered and over half a million survivors were forced to leave a homeland they had inhabited for over two millennia. Today marks the 93rd anniversary of the Armenian genocide.

I am a cosponsor of H. Res. 106, a resolution which simply affirms a historical fact. The United States National Archives and Record Administration holds extensive records, open to the public, which meticulously document the Armenian genocide. Furthermore, the post-World War I Turkish government indicted leaders who were involved in these killings which

it labeled a "massacre." On May 24, 1915, the Allied Powers of England, France, and Russia issued a statement charging the Ottoman government of committing a "crime against humanity." President Ronald Reagan in proclamation number 4838, dated April 22, 1981, said, "like the genocide of the Armenians before it, and the genocide of the Cambodians, which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten."

The Armenian genocide resolution is offensive to some simply because it characterizes that massacre as "genocide." We do not use that term loosely, but violence on such a tremendous scale has earned that terrible title. These deaths were not caused by the inevitable hostility of war, but by systematic murder aimed at eliminating a people. We gain nothing by pretending it was anything less.

The United States Holocaust Memorial Museum includes a quote from Adolf Hitler who justified his own atrocities by saying, "[w]ho, after all, speaks today of the annihilation of the Armenians?" Shortly thereafter, the world would learn of the horrors of the Holocaust.

I wonder whether the horrors of the Second World War may have been averted had people loudly and with conviction condemned the Armenian genocide of the First World War. We cannot erase the events of history, and we ignore them at our peril. In the United States, we are still dealing with the consequences of slavery—a blight on our own historical record. But we cannot be committed to the principle of "never again" if we do not acknowledge the evil that first committed us to make that vow.

RECOGNIZING MARIO AND JOE SIMOES FOR THEIR ACCOMPLISHMENTS

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. NUNES. Madam Speaker, I am honored to join with my colleague, Mr. COSTA, to recognize these two brothers, Mario and Joe Simoes, for their accomplishments as both immigrants and farmers.

After the death of their mother when they were only 9 years old, Mario and Joe, aged 15, along with their father and younger sister, emigrated from Portugal in search of a better life for their family. Their first jobs were with the Manuel Faria and Sons Dairy in California. In 1970, some 20 years after coming to America, Mario and Joe bought their first dairy farm from this same family. Today, Mario and Joe, along with their extended families, own more than 10,000 cows and farm around 3,000 acres between them.

These brothers, born only 12 minutes apart, embody the hard work and perseverance that are so emblematic of the first American immigrants. They have always shared a special bond that has pushed them to share both their lives and livelihoods with each other. They even share the same wedding anniversary, although Joe was married four years after Mario.

Because of their active involvement in the agricultural community, Mario and Joe were both named as the 2007 Dairyman of the Year

by the Tulare High School's SOPAS Club. Both brothers have served as president of the SPDES and both are members of the TDES, Land O' Lakes Tulare Division, the Dairy Farmers of America, and the St. John's of Tip-ton Men's Club.

On April 25, Mario and Joe will be honored as "Farmers of the Year" at the annual Kiwanis Luncheon in Tulare, CA. On behalf of myself and Mr. COSTA, it is an honor to recognize their hard work and dedication to community. Mario and Joe serve as a constant reminder of the values of this Nation and the unbreakable spirit of the American people.

L. NATHAN WINTERS RECEIVING GIRL SCOUTS AWARD OF DISTINCTION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ORTIZ. Madam Speaker, I rise today to congratulate Mr. L. Nathan Winters of Harlingen, TX, for receiving the Award of Distinction from the Girl Scouts of Greater South Texas.

Mr. Winters has been a valuable member of our community and is known for his hard work and dedication to the Girl Scouts and numerous nonprofit organizations. When serving on the board of directors he was instrumental in acquiring Camp Bayview to serve girls all over South Texas. He also served as president of the Girl Scouts Tip of Texas Council, which later merged with the Paisano Council.

Not only is Mr. Winters dedicated to the advancement of the Girl Scouts, but he is also a remarkable husband, father, and grandfather.

The Girl Scouts of Greater South Texas serves more than 9,200 members in the 4-county area, including girls in low-income public schools, housing authorities, the Texas Migrant Council, and Boys and Girls Clubs.

We are now in an era where more women serve as leaders in our government, corporate board rooms, and communities. The Girl Scouts of America have done extraordinary work in molding young women into positions where they go on to achieve great things. Their mission is to build girls of courage, confidence, and character, who—as women, leaders, sisters, and mothers—will make the world a better place.

I commend the good work done by the Girl Scouts of America, and the Girls Scouts of Greater South Texas Council for awarding Mr. L. Nathan Winters their Award of Distinction.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. RAHALL. Mr. Speaker, I rise today to recognize the 60th Anniversary of the founding of the State of Israel. On May 14, 1948, the people of Israel proclaimed the establishment

of the sovereign and independent State of Israel.

Over the last 60 years, Israel has built a nation, forged a new and democratic society, and created thriving economic, political, cultural and intellectual life. For six decades now, the United States and Israel have maintained a special relationship and the U.S. continues to regard Israel as a strong and trusted ally and an important strategic partner.

On the House floor this week, H. Res. 322, reaffirmed Congress's support for Israel and the bonds of friendship and cooperation which have existed between the United States and Israel and commits to strengthening those bonds. I too support Israel, its continued stability, democratic principles and its important role in the Middle East by extending the warmest congratulations and best wishes to the State of Israel and the Israeli people for a peaceful, prosperous, and successful future.

2008 RETIREES FOR NORTH CENTRAL AREA SCHOOLS, MENOMINEE COUNTY, MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. STUPAK. Madam Speaker, I rise to recognize four dedicated educators at the North Central Schools in Menominee County, Michigan. These four individuals will be retiring at the end of the current school year and I ask that you, Madam Speaker, and the entire U.S. House of Representatives, join me in honoring their decades of service to educating children.

Deborah Bedogne came to North Central Area Schools (NCA) in 1985 after teaching at Marquette Area Public Schools. She has served as a guidance counselor and taught many different courses throughout her tenure at North Central. Her assistance in helping students choose their career path has impacted many lives, as has her dedication to the district and the students. Debbie's guidance will be greatly missed by the NCA community.

Janice Hafeman started her career in education in the North Central community with the Northern Menominee Community School program in 1989. She later came to North Central Area Schools in 1994 and has served as a Teacher of Special Education and Adult Basic Education. Both in and out of the classroom Janice treated all of her students with the utmost respect and kindness.

Donald Palmer began his career at North Central Area Schools in 2006 after serving as Superintendent of Hesperia Community Schools in Hesperia, Michigan. Although Mr. Palmer's time with NCA schools was short in years, it was great in impact, including a column that he wrote in the Escanaba Daily Press about his role as superintendent of schools. Throughout his career he has served as a teacher, principal and a Superintendent at several schools throughout the State of Michigan.

Mark Veaser was a dedicated and loyal teacher at North Central Area Schools for 31 years. He has taught in the very same community that his mother, Nell Veaser, and brother, Greg Veaser, also taught. His wife Barbara continues to teach there as well. Mark

Veeseer not only shared his gift for teaching with the students of North Central Area Schools, he also shared his gift of coaching with hundreds of NCA students throughout the years. For 28 years he coached the Jets in many capacities. The lessons he taught his players on and off the field will live on forever. Coach Veeseer led the following teams: 19 years with Varsity Football, 7 years with Junior Varsity Football, 4 years with Girls Track, 3 years with Junior High & Freshman Boys Basketball, 3 years as a referee and one year each with Junior High Girls Basketball and Varsity Boys Track.

Madam Speaker, the dedicated men and women who devote their careers to educating the next generation seldom receive the praise they deserve. I ask that you and my colleagues here in the United States House of Representatives join me in thanking these four outstanding individuals for their service and in wishing them well in their retirement.

REMEMBERING VIRGINIA TECH AND COLUMBINE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. KUCINICH. Madam Speaker, Wednesday, April 16, 2008, was the anniversary of the tragic events on the campus of Virginia Tech that took the lives of 32 people and wounded many more. Sunday, April 20, 2008 marked the 9th anniversary of the Columbine High School massacre. These events rank second and third among the deadliest school shootings in the history of the United States. At the same time, from the wreckage has emerged a strong desire to prevent violence of this magnitude in the future.

I am proud to be the sponsor of H.R. 808, to establish a Department of Peace and Non-violence, because this bill seeks to make non-violence an organizing principle in our society. This cabinet-level department would address the myriad forms of violence that affect our Nation and the global community. As the disasters at Columbine and Virginia Tech have shown, violence has deep and lasting consequences that must be addressed by looking at root causes and endeavoring to find preventative solutions that are both dynamic and comprehensive. The Department of Peace and Nonviolence would provide a systematic tool to accomplish this admirable goal.

We can all agree that violence in our schools, among youth and adults alike, is an ongoing problem that must be addressed. H.R. 808 is a way to address not only violence in our schools but the violence that exists in our homes, workplaces and institutions throughout our communities both nationally and internationally.

COMMEMORATING THE 93RD ANNI- VERSARY OF THE ARMENIAN GENOCIDE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. BERMAN. Mr. Speaker, today, April 24th, marks the 93rd anniversary of the begin-

ning of the Armenian genocide. I rise today to commemorate this terrible chapter in human history, and to help ensure that it will never be forgotten.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being charged with crimes. Then the government deported most Armenians from Turkish Armenia, ordering that they resettle in Ottoman Syria. Many deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian genocide because this tragedy for the Armenian people was a tragedy for all humanity. It is our duty to remember, to speak out and to teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

We hope the day will soon come when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and commemorate as well the memory of genocide's victims.

Sadly, we cannot say humanity has progressed to the point where genocide has become unthinkable. We have only to recall the "killing fields" of Cambodia, mass killings in Rwanda, "ethnic cleansing" in Bosnia and Kosovo, and massacres and wholesale destruction of villages in Darfur to see that the threat of genocide persists. We must renew our commitment never to remain indifferent in the face of such assaults on innocent human beings.

We also remember this day because it is a time for us to celebrate the contribution of the Armenian community in America—including hundreds of thousands in California—to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their success is moving testimony to the truth that tyranny and evil cannot extinguish the vitality of the human spirit.

The United States has an ongoing opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

With the arrogance of absolute impunity, Adolf Hitler famously urged his commanders to attack Poland with no fear of history's judgment because, as he put it, "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

PROVIDING FOR CONSIDERATION OF H.R. 2830, COAST GUARD AU- THORIZATION ACT OF 2008

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1126, the Rule providing for consideration of H.R. 2830, the Coast Guard Authorization Act of 2007. I also strongly support the underlying legislation, which will provide our Nation's Coast Guard with the resources it needs in order to successfully execute all of its missions.

I would like to thank my colleagues, Congressmen OBERSTAR and CUMMINGS, for introducing this bill, as well as the Chairman of the Homeland Security Committee, Congressman THOMPSON, for his leadership on this important issue. Madam Speaker, I was pleased to work with Chairman THOMPSON and offer an amendment during our Homeland Security Committee markup to this important legislation, which I felt improved the bill. My amendment mandated the creation of a strategic plan to utilize assistance programs to assist ports and facilities that are found by the Secretary not to maintain effective anti-terrorism measures. I am also offering an amendment on the House floor today calling on the Secretary of Homeland Security to examine the challenges and delays faced by transportation workers seeking to obtain TWIC cards at enrollment sites and mandates the development of timelines and benchmarks for implementing the findings of this assessment.

As a member of the Homeland Security Committee, I believe protecting our Nation by air, land, and sea to be critical to our national security interests. This bill, the Coast Guard Authorization Act of 2007, sets forth various provisions that will be beneficial to our maritime interests, and consequently to our national security. Included in the provisions are the establishments of grants for international maritime organizations, the establishment of the Merchant Mariner Medical Advisory Committee, and codified various provisions relating to Coast Guard personnel matters.

For some years now, I have been concerned about the diversion of Coast Guard resources from their historic missions of search and rescue and marine safety, to homeland security missions. Since the creation of the Department of Homeland Security, and the Coast Guard's inclusion in the Department, one of the greatest challenges has been ensuring that the funds that the Coast Guard have traditionally received in order to perform their duties remain intact so that they can fulfill the responsibilities that American citizens rely on them to perform, namely ensuring the safety of our nations seas, lakes, rivers, and ports.

We have to ensure that the Coast Guard will get their full funding needed to carry out their responsibilities, and that is precisely what this legislation does. This act authorizes appropriations for FY2008 for the Coast Guard. Furthermore, this act also authorizes the FY2008 levels of Coast Guard active duty military personnel and average military training student loans, allowing for sufficient human resources for the Coast Guard to achieve its

designated goals. This bill explicitly authorizes end-strength by 1,500 members to 47,000 and increasing Coast Guard funding to \$8.4 billion which has not been done since the 1970's.

The act also includes provisions regarding shipping and navigation, vessel size limits, maritime drug law enforcement, fishing vessel safety, liability limits for natural gas deepwater ports, claims against the Oil Spill Liability Trust Fund, dry bulk cargo residue, merchant mariner matter, and security.

Mr. Speaker, every year, 95 percent of the goods coming into the United States arrive at our nation's seaports. These goods are shipped from ports around the world, some from developed countries and others from developing countries. I am particularly concerned about ports in developing countries. Developing countries have limited resources which means their ability to maintain effective anti-terrorism measures is limited.

We can not allow terrorists to exploit this limitation. Rather, we should work with developing countries and others to build up their anti-terrorism measures. This assistance will benefit all of us. The developing countries will gain the support they need, and we will close a potential gap in our own supply chain. Every gap we close is one less gap that can be exploited by terrorists. I am pleased that this bill requires the Department of Homeland Security to develop a strategic plan to utilize existing assistance programs to assist foreign ports and facilities that are found by the Secretary not to maintain effective anti-terrorism measures. This bill furthermore authorizes the Coast Guard to lend, lease, and donate equipment and provide technical training to non-compliant foreign ports or facilities. The multiple layers of security enhancement authorized in this legislation will minimize the ability of terrorists to target to maritime commerce and negatively impact the global supply chain.

I am pleased that the Coast Guard Authorization Act of 2007 includes specific provisions relating to Minority Serving Institutions (MSIs). Within this legislation, MSIs are defined as a historically Black college or university, a Hispanic serving institution, a Tribal College or University, a Predominantly Black institution, or a Native American-serving institution. Section 901 of this important legislation states that the Commandant shall establish a management internship program for students at MSIs, enabling them to intern at Coast Guard headquarters or Coast Guard regional offices in an effort to support the development of civilian, career-midlevel, and senior managers for the service. This legislation furthermore instructs the Coast Guard to work with the National Association for Equal Opportunity in Higher Education, the Hispanic Association of Colleges and Universities, and the American Indian Higher Education Consortium to create this internship program and authorizes \$2 million to be appropriated to this program.

Mr. Speaker, I have long stressed the importance of including this nation's MSIs in the effort to secure our nation. Section 903 of this legislation states that the Commandant shall establish a Coast Guard Laboratory of Excellence-MSI Cooperative Technology Program at three minority serving institutions to focus on priority security areas for the Coast Guard, such as global maritime surveillance, resilience, and recovery. It also calls on the Commandant to encourage collaboration among the minority serving institutions selected to

participate in the cooperative technology program and institutions of higher education with institutional research and academic program resources and experience. These and other measures included within this bill are absolutely imperative as the Office of Workforce Planning has recently revealed that only 5 percent of the officer corps is African American and only 12 percent of the officer corps is comprised of ethnic minorities, while in the last 3 years the numbers of minority ascensions have actually decreased.

The Coast Guard Authorization Act of 2007 also increases oversight and efficiency of the TWIC program, which was originally mandated six years ago, yet continues to flounder. To date only 230,000 out of an estimated 845,000 applicants have enrolled in the TWIC program, while the deadline for enrollment is September 25, 2008. While this provision of the Coast Guard Authorization is both timely and important, there is still more which must be done in order to ensure that the program is both effective and efficient, which is why I have offered an amendment.

I would like to reiterate only few of the obstacles that workers have faced in my state of Texas as well in my district of Houston. For example, a marine worker enrolled at the Houston Port enrolled on December 13, 2007. To this date, he still does not yet have a TWIC card. He remained on hold for 4 hours and 10 minutes and was finally told by the operator that he would have to return to Houston to be fingerprinted again after APR. Incidentally, a representative of Higman Marine Services, Inc., asked the same question about their employee, and she was told that he should not return until June. This blatant inconsistency in service and information is simply unacceptable. Furthermore, another transportation worker went to the Beaumont center about 3 weeks ago to pick up his TWIC after being notified it was ready. He traveled from Hemphill, TX (117 miles), and was told that the card was accidentally shipped to Houston and he could drive there (85 miles) to pick it up. He presently does not have his card. The list of incidences in which workers have to continually overcome structural impediments is too long for me to name. It is from my concern for these workers that I have introduced my amendment.

My amendment calls for the Secretary of Homeland Security to compile an assessment of the enrollment sites for transportation security cards issued under section 70105 of title 46, United States Code within 30 days of enactment. The assessment should, at minimum, examine: The feasibility of keeping those enrollment sites open 24 hours per day, and 7 days per week, in order to better handle the large number of applicants for such cards; the feasibility of keeping those enrollment sites open after September 25, 2008; and the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

My amendment furthermore calls on the Secretary of Homeland Security to develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary. By identifying the areas in which enrollment sites for homeland security cards are ineffective and inefficient and creating a timeline through which to implement necessary changes and benchmarks

to ensure their progress and accountability, we will make this Nation a safer place accessible to labor and operations alike.

Long before the horrific events of September 11, 2001, citizens of America relied upon the Coast Guard to ensure the safety of our waterways, and we depend on them still. Therefore, I urge my fellow members of Congress to also support the Coast Guard Authorization Act of 2007 and ensure this rich and necessary tradition remains a thriving and useful part of not only our national defense strategy but also to protect us and the environment from those threats by sea.

I strongly urge my colleagues to join me in supporting this rule and the underlying legislation.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. SPACE. Mr. Speaker, I rise today to recognize the 60th anniversary of the Nation of Israel.

I join a bipartisan group of my colleagues in support for H. Con. Res. 322—a measure recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel. This measure passed the House of Representatives earlier this week by a vote of 417 to 0.

As a member of the Democratic Israel Working Group, I am proud to commend Israel and her people on the occasion of this significant milestone.

We and the international community are grateful to Israel for her contributions in the fields of agriculture, technology, and medicine to name a few. Furthermore, Israel is a true democracy in an unstable region of the world, and the nation has long been an ally of the U.S.

Again, I join my colleagues in commending Israel and in looking forward to a future of continued friendship.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial. It is April 24, 2008, in the land of the free and the home of the brave, and before the sun sets today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,876 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood

of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth. It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,876 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is April 24, 2008, 12,876 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

CELEBRATING THE 125TH ANNIVERSARY OF BETHESDA HOSPITAL IN SAINT PAUL, MN

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, today I rise to recognize Bethesda Hospital on its 125th anniversary in Saint Paul, MN. Since its founding in 1883, this hospital has been a leader in our community in providing quality health care services through a compassionate and holistic framework. Bethesda Hospital is now the largest long-term acute care hospital in the region and has earned a national reputation for excellence and innovation in health care.

In 1883, Bethesda Hospital was established by Reverend A. P. Montan, D.D., pastor of the first Swedish Lutheran Church in Saint Paul, along with the sponsorship of the Tabitha Society of the Swedish Lutheran Minnesota Conference. Rev. Montan and his fellow Swedish Lutherans converted a single family home near Lake Como in Saint Paul into a hospital with 20 beds to serve individuals who were impoverished and sick.

Today, Bethesda Hospital stays true to its deep roots, still helping those with illnesses recover, regardless of their ability to pay. Bethesda Hospital has also remained in Saint Paul these past 125 years. It has expanded its capacity since its modest origins, now providing 262 beds for patients, employing 740 staff, and treating about 1400 patients on an annual basis.

Bethesda Hospital has grown greatly throughout its history. In 1892, Bethesda moved from its Lake Como neighborhood to downtown Saint Paul at 9th and Wacouta Streets, near the Union Depot. This new facility featured two operating rooms on the third floor which were known to be the best operating rooms in the whole state.

Despite additions to Bethesda's facility at 9th and Wacouta, it eventually outgrew that location. By 1932, after an intense fundraising campaign to construct a new hospital, it reopened at what is still its current home, just steps away from the State Capitol.

As Saint Paul and its surrounding area has changed over the years, Bethesda Hospital has also adapted to meet the community's developing needs. During the closing and consolidation of hospitals in 1986, Bethesda joined together with St. John's and St. Joseph's Hospitals to merge under the newly created HealthEast Care system. Three years later, Bethesda was officially designated as a Long-Term Acute Care Hospital to focus on treating patients who require extensive and rigorous therapy to recuperate.

Bethesda Hospital is now a specialty hospital serving a wide-range of patients of all ages and illnesses, such as student football players with concussions, car accident survivors, and patients dealing with multiple sclerosis, Alzheimer's and Parkinson's diseases.

Bethesda Hospital's inter-disciplinary teams of trained professionals develop individualized treatment plans for patients that may not only include behavioral, cognitive, occupational, physical, respiratory, and speech therapies, but also a variety of recreational therapies such as art therapy, pet therapy, and virtual therapy.

Bethesda Hospital has been widely acclaimed for its award-winning programs and services. In particular, the Brain Injury of Minnesota as well as The Commission on Accreditation of Rehabilitation Facilities have paid tribute to the hospital's outstanding service in the area of brain injury.

Building on its specialty in treating brain injuries, Bethesda Hospital continues to respond to the serious health care needs we face. Currently, Bethesda Hospital is collaborating with the Minneapolis VA Medical Center, Minnesota National Guard, the Department of Defense, and the Veterans Affairs Central Office in Washington, DC to identify ways that Bethesda Hospital can serve the veterans and injured soldiers across our nation who are returning from Iraq and Afghanistan. I am so pleased that Bethesda Hospital plans to answer the call and serve our troops and veterans who have served us so honorably. Bethesda Hospital has the expertise to conduct critical predeployment baseline cognitive skills testing and follow-up post deployment testing to evaluate our veterans' health conditions and track their recovery.

Madam Speaker, in honor of the legacy of caring that the dedicated donors, staff, patients, and volunteers at Bethesda Hospital have created, I am pleased to submit this statement for the CONGRESSIONAL RECORD recognizing the 125th anniversary of Bethesda Hospital.

INTRODUCTION OF THE CITIZEN AND COMMUNITY PREPAREDNESS ACT OF 2008

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. CUELLAR. Madam Speaker, I rise today to introduce the Citizen and Community Preparedness Act of 2008, which reaffirms the Federal Government's commitment to helping our communities prepare for and respond to acts of terrorism, natural disasters and other emergencies.

I am glad to be joined today in introducing this bipartisan bill by the Ranking Member of my Subcommittee—the Subcommittee on Emergency Communications, Preparedness and Response—the gentleman from Pennsylvania, CHARLIE DENT.

I am also pleased to have Homeland Security Committee Chairman BENNIE THOMPSON, as well as Congresswoman SHEILA JACKSON LEE, as original cosponsors of this legislation. They are true leaders in the area of emergency preparedness and have been instrumental in the drafting of this bill.

If a disaster—whether large or small—occurs in a community, local responders and disaster-relief organizations will be there to help, but citizens need to be ready as well.

In fact, when individual citizens, families and communities are prepared, the fear, anxiety,

and loss that accompany disasters is substantially minimized.

It is imperative that citizens know what to do in the event of an emergency and be ready to either shelter in place or evacuate their homes.

People must be ready to care for their basic needs should they be displaced for a period of time.

As we move toward the 3-year anniversary of Hurricane Katrina and the 7-year anniversary of 9/11, we must not lose sight of the lessons learned from these disasters.

While I recognize that the most effective emergency preparedness programs and messages are delivered locally and not from Washington, we must ensure that the Department of Homeland Security is working with State and local partners, providing them with the tools they need to get the message out.

Following the tragic events that occurred on September 11, 2001, Federal, State and local government officials agreed that the formula for ensuring a more secure and safer homeland consists of preparedness, training, and citizen involvement in supporting first responders.

As a result, the Citizen Corps Program and Ready campaigns were created.

To date, with limited resources available, over 2,000 communities in all 56 States and territories have established Citizen Corps Councils to help inform and train citizens in emergency preparedness, and promote volunteerism.

However, I think these programs can be improved.

The legislation I am introducing today formally authorizes the Citizen Corps Program and provides it with the necessary funding to be effective.

It also authorizes key Citizen Corps components administered by the Department of Homeland Security—Fire Corps and CERT.

Fire Corps promotes the use of volunteers to assist fire and rescue departments in non-operational roles such as fire safety outreach, youth programs, and administrative support.

The Community Emergency Response Team, CERT, program concept was developed and implemented by the Los Angeles City Fire Department in 1985 and has since spread to over 1,000 communities nationwide.

Under the CERT Program citizens are training citizens in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations.

As our Nation continues to glean lessons from the catastrophic events of Hurricane Katrina, the Federal Government must ensure that preparedness efforts help our Nation's most vulnerable populations.

To that end, this legislation requires the Secretary to work closely with organizations representing the elderly, the disabled, the hearing and visually impaired, communities with language and income barriers, and children to promote preparedness.

This legislation will also create a pilot program to enhance citizen preparedness at primary and secondary schools, as well as on university or college campuses, by providing training, exercises, and public awareness campaigns.

Finally, my bill directs the Secretary to carry out a public affairs campaign utilizing diverse media outlets to get the word out to the public

to assist them in preparing for acts of terrorism and other emergencies.

Addressing the issue of citizen preparedness continues to be a major issue for our Nation.

In fact, the National Governors' Association 2007 State Homeland Security Directors Survey, which polled the 56 State and territorial homeland security advisors, cited citizen preparedness as one of the top 5 priorities for their States.

It is now time to stop paying lip service to the issue of citizen and community preparedness and to start acting.

In closing Madam Speaker, let me say that our citizens' lack of preparedness is often cited as an impediment to an effective emergency response. I believe this legislation will make strides to change that fact and I urge my colleagues to support it.

SBIR/STTR REAUTHORIZATION ACT

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program and for other purposes:

Mr. UDALL of Colorado. Madam Chairman, I rise in support of H.R. 5819, the SBIR/STTR Reauthorization Act. Enactment of this bill will extend important programs that improve American competitiveness in the world, and I urge its adoption.

The State of Colorado houses a strong and vibrant collection of cutting-edge small businesses, and businesses in my own district employ SBIR awards to promote advanced research in aeronautic, biotechnology, and other important industries. This bill will ensure that small businesses and research firms will continue to have access to the capital that enables them to compete with large firms both at home and abroad. Ultimately, this bill is about increasing competition and ensuring that good ideas are not lost for a lack of resources.

This bill also modernizes the SBIR and STTR programs in order to better suit the needs of small businesses, ensuring that small businesses that receive funding from venture capital firms are allowed to receive SBIR grants. Though some suggest that this policy undermines the spirit of the program, the reality for many small businesses is that their most consistent sources of funding are from venture capital firms and the SBIR program. This bill proposes sensible limits on the participation of venture capital firms so that small businesses can continue to rely on these two important sources of funds.

As co-chair of the House Science, Technology, Engineering, and Mathematics (STEM) Education Caucus and a representative of a district with a major research institution, I support this legislation because it will help keep America more technologically and economically competitive. I commend the committees for their hard work on this legislation, and I look forward to its enactment.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to commemorate the 93rd anniversary of the Armenian Genocide, in which 1.5 million Armenian men, women, and children were killed by Ottoman authorities during World War I.

On April 24, 1915, the Ottoman government began its genocidal plan by arresting and murdering over 250 Armenian intellectuals and political figures in Istanbul. In the interior of the Ottoman Empire, where the bulk of the Armenian population lived, the government then arrested and killed village leaders. Meanwhile, most able-bodied Armenian men, who had been conscripted into the Ottoman army, were separated into labor battalions and subsequently murdered. Next, in various provinces, gendarmes and the army massacred Armenian villagers outright, while in other provinces, the remaining Armenian population of women, children and the elderly were forcibly deported over the mountains and into the scorching deserts of Syria, without food and water. Many of the female deportees were raped and killed en route, while other deportees died of starvation and dehydration. By the end of 1915 the centuries-old Armenian civilization of eastern Anatolia no longer existed.

U.S. diplomats who were stationed in Anatolia at the time were some of the main eyewitnesses and chroniclers of that horrific period. U.S. Consul Leslie Davis, stationed in Harput in eastern Anatolia, wrote the following in a cable to U.S. Ambassador Henry Morgenthau, dated July 24, 1915: "It has been no secret that the plan was to destroy the Armenian race as a race, but the methods used have been more cold-blooded and barbarous, if not effective, than I had first supposed." He also wrote in this same cable: "I do not believe there has ever been a massacre in the history of the world so general and thorough as that which is now being perpetrated in this region or that a more fiendish, diabolical scheme has been conceived in the mind of man."

This cable, and many others of a similar nature, is housed in the U.S. National Archives only a few blocks from the U.S. Capitol and the White House. They provide unambiguous, documentary evidence of what occurred. Yet there are those who still refuse to properly characterize what happened to the Armenian people during World War I as genocide. Although the word "genocide" was not invented in 1915, what these diplomats described was indeed genocide of a people.

I am deeply disappointed that many of our current officials avoid characterizing what occurred as "genocide." This avoidance does a disservice to the memory of the victims and their descendants, and hurts our moral standing in the world. I hope that one day soon, this legislative body and the U.S. Administration will properly characterize what happened to the Armenian population of the Ottoman Empire.

Many of the survivors of the Armenian genocide settled in the United States. Bearing painful physical and emotional scars, they

nonetheless re-established their lives here, worked hard, and became proud American citizens, thankful for the opportunity to live in freedom. Many of their descendants have become leaders in the fields of science, business, academia, and the arts, and have served their country bravely in military uniform. They have also created a vibrant community. Yet they also bear the pain of what their parents and grandparents went through and are actively engaged in the effort to seek proper recognition of what happened to the Armenian people in 1915. Today, as we recall the events of the Armenian genocide and pay homage to the victims, we also honor the Armenian-American community for its unwavering commitment to this human rights struggle.

HONORING THE LIFE AND SERVICE
OF FIRST SERGEANT LUKE J.
MERCARDANTE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ISSA. Madam Speaker, I rise today to honor the life and service of United States Marine First Sergeant Luke J. Mercardante.

Luke Mercardante was the First Sergeant for Combat Logistics Battalion 24, the logistics element of the 24th Marine Expeditionary Unit. Luke was 35 when killed in the line of duty on April 16th in Kandahar province of Afghanistan while serving in Operation Iraqi Freedom.

First Sergeant Mercardante's position required him to serve as a leader, but leadership came naturally. He is remembered for his love for country and ability to inspire those around him. Other Marines described him as the "picture-perfect Marine."

Mercardante enlisted in the Marine Corps in 1992, graduating from Parris Island as the company honor graduate. He later served on a deserter apprehension team and was responsible for apprehending more than 130 deserters. As a drill instructor at Marine Corps Recruit Depot Parris Island, Mercardante trained more than 1,200 men, turning them from civilians into Marines. Later, he served at Camp Lejeune, North Carolina as the training chief and brig security for the base. He was assigned to the Virginia Military Institute as the assistant Marine officer instructor and was voted an honorary member of the class of 2007, as well as faculty mentor of the year in 2005.

First Sergeant Mercardante's personal decorations include the Navy and Marine Corps Commendation Medal with 3 gold stars in lieu of 4th award, Navy and Marine Corps Achievement Medal with 1 gold star in lieu of 2nd award, and the Outstanding Volunteer Service Medal.

Luke was engaged to Kimberly Hull and planned to marry when he returned from Afghanistan. He is survived by Kimberly, his mother Gertrude, father Patrick, brothers Patrick Jr., Frank and Mark, sister Bridget and his children Luke II and Cailin.

On behalf of the people of the United States whom he served with courage and valor, we honor and commemorate the life and service of First Sergeant Luke J. Mercardante.

HONORING DR. LON NUELLE'S PAS-
SION FOR THE ARTS AND EDU-
CATION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor my friend, Dr. Lon Nuell, who passed away March 12.

Leon Richard Nuell served on the Murfreesboro City School Board for 12 years and taught as an art professor at my alma mater, Middle Tennessee State University, for 37 years. He was up for re-election to the school board this year and received nearly 400 votes posthumously as a testament to his legacy.

Lon did many things to improve the quality of education for children in Murfreesboro, including banning the practice of corporal punishment, championing full-time art teachers in each city school and establishing the Murfreesboro City Schools Foundation, an organization that fundraises for local schools.

Lon was a founding member of Congregation Micah in Nashville and the Tennessee Holocaust Museum. He facilitated the acquisition of two exhibits to educate the public through art—exhibits the Tennessee Holocaust Museum is now releasing to tour the United States. Lon was the faculty advisor of MTSU's Hillel and helped establish Friends-in-Faith, an interfaith group with members representing almost every religion in Middle Tennessee.

Prior to his unexpected passing, several community programs—Read to Succeed, Success by 6 and Project Pass—were establishing a literacy center in a space provided by First Baptist Church on East Main Street in Murfreesboro. It is fitting tribute that they have named the center the Lon Nuell Family Literacy Center. Lon believed in education for everyone and in the strength of collaboration.

Lon will be sorely missed by the community, his friends and family; wife, Christie and three sons, but his legacy will live on.

AGGIE MUSTER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. POE. Madam Speaker, I may not exactly be the biggest Texas A&M fan around. And, I possibly ruffle a few maroon feathers from time-to-time poking fun at the Aggies. But, one thing I can say without a doubt is that there is no school known to man that has as loyal a following and dedication to tradition as Texas A&M. Trust me I know, I hear about every little quirky thing they do from my friend and former case manager, Patti Chapman—or "Aggie Mama" as her license plate proudly reads, and from Congressman Louie Gohmert from East Texas, with his maroon boots adorned with the Aggie logo.

You can always spot an Aggie, either from their personalized license plate, their maroon pickup adorned with A&M stickers, or the ring—don't forget the ring! And I have yet to meet an Aggie that doesn't work in to any

conversation that you are having that they are an Aggie and what year they graduated, especially if you are not one. But with all their whooping and hissing, comes one tradition that I have the greatest respect for—Aggie Muster.

Last week, on April 21st, Aggies all around the world paid tribute to those that have gone before them. This time honored tradition began in June of 1883 as a reunion of sorts of former students reliving their college days from the ball field to the battlefield. By 1889 it had evolved into a celebration of Texas Independence, and in 1922 it became the official ceremony it is today that is held every year on April 21st—San Jacinto Day—the day Texas won its independence in 1836—to account for every Aggie around the world by honoring the "Roll Call of the Absent."

According to tradition, "if there is an A&M man in one hundred miles of you, you are expected to get together, eat a little, and live over the days you spent at the A&M College of Texas." The most famous example of this edict was the Muster of 1942 under the command of General George Moore during World War II. Amid fierce enemy fire, General Moore and 25 fellow Aggies mustered in the trenches on Corregidor in the Philippines. A war correspondent observed the make-shift ceremony and the world was introduced to the Aggie spirit.

During times of war, Muster is especially poignant. Texas A&M has produced more officers in the United States military than even West Point. It has the distinction, other than West Point, of having more Medal of Honor winners than any other university in the United States. When General George Patton was in Europe going to combat in the Third Army, he made a comment about the Texas Aggies and the soldiers that he had under his command. He said, "Give me an army of West Point graduates and I will win a battle. You give me a handful of Texas Aggies, and I will win the war."

The Aggies' long tradition of duty and service to our great nation dates back their beginning, to the days when A&M was an all-male military academy. Texas A&M trained nearly 4000 troops during World War I and over 20,000 Aggies served in World War II, 14,000 as officers. The entire graduating classes of 1941 and 1942 enlisted in the military. The Aggie War Hymn was written by Aggie Marine J.V. "Pinky" Wilson while standing guard on the Rhine River during World War I and it remains the most recognizable school fight song across the country—probably the world.

Today, Muster is observed in more than 400 places worldwide and this year's "Roll Call of the Absent" honored 970 people around the world, including those remarkable young men and women who gave their lives for our country today. While this is a time to honor those that have died, it also is a time when Aggies, young and old, come together to reconnect and celebrate a way of life known only to those that proudly call themselves an Aggie.

Muster means different things to different people. Every Aggie will tell you something different, something personal about what it means to them as an Aggie. One thing that is consistent in every answer is their dedication to tradition. It is the rich heritage of tradition that sets Texas A&M apart from all the rest. It is the Corps, the Aggie War Hymn, the 12th Man, Midnight Yell, Bonfire, State pride, and

as much as it pains me to say it—it's TU. It's the Fightin' Texas Aggie Band, Silver Taps and "Hallabaloo, Canek, Canek." It's the Junction Boys, Howdy, Gig'em, Reville, the Dixie Chicken and of course, the ring. But above all else—it's Muster.

Gig'em Ags!

And that's just the way it is.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. WAXMAN. Madam Speaker, each year on April 24, Armenian communities around the world commemorate the start of the Armenian genocide. This year marks the 93rd anniversary of this ominous date in history when Ottoman authorities began rounding up leaders of the Armenian community. The arrests were followed by eight years of massacres, death marches, and forced deportations to rid the Ottoman Empire of its Armenian population.

At the time, American diplomats, under the leadership of U.S. Ambassador Henry Morgenthau, Sr., recorded and reported information about these atrocities. While the calls for international action were soon eclipsed by the tumult of World War I, the State Department's historical records of these accounts are a remarkable example of the important role our diplomatic corps play as human rights observers around the world.

I am pleased to be a cosponsor of H. Res. 106, a resolution affirming the United States record on the Armenian Genocide, which calls for our foreign policy to reflect the U.S. record relating to this painful chapter of history. As we mourn the victims of the Armenian genocide and pay tribute to the survivors, let us look forward to the opportunity for the House to consider H. Res. 106 and stand up to those who seek to deny the genocide that took place.

THE DAILY 45: 41 PEOPLE SHOT IN 5 DAYS IN CHICAGO

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. In light of the shocking turn of events in the last five days in Chicago, I can imagine a day in the near future when this number may rise.

Yesterday, just seven blocks from my office, in the heart of my own congressional district, this Southside community was left reeling because five people—five people—were found shot to death in one home! As I mentioned yesterday, 36 people were shot in Chicago over a 48-hour period of time last weekend.

That's 41 people shot or killed, in only five days, in one American city. Who will tell their stories? Who will care about them?

Americans of conscious must come together to stop the senseless death of "The Daily 45."

When will Americans say enough is enough, stop the killing!

JOHN ARCHIBALD WHEELER

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. HOLT. Mr. Speaker, on April 13, 2008, America lost one of its greatest scientific minds. Dr. John Archibald Wheeler influenced generations of scientists (including me) and his imprint on the field of physics and our collective understanding of the universe we inhabit cannot be overstated.

Wheeler began his career in the company of men whose names are well known to history—Niels Bohr and Albert Einstein. Wheeler, who earned his Ph.D. in physics at age 21, went to Denmark a year after earning his degree to study under Bohr, who at the time was on the cutting edge of nuclear research. It was only after Bohr fled Denmark in 1939—just months before the Nazi occupation of the country—that Wheeler learned of the research Bohr and others had been conducting into the possibilities and ramifications of nuclear fission.

Ultimately, Wheeler would join Robert Oppenheimer and others on the Manhattan Project, turning America into the world's first nuclear power. Later, Wheeler would play a key role the development of thermonuclear weapons and become an advocate of the war in Vietnam and of the creation of a ballistic missile defense system for the United States. But for all his work on weapons of war, his passion was trying to understand the workings of the universe.

We owe the term "black hole" to Wheeler, who initially resisted the idea of the existence of these stellar phenomena but was ultimately persuaded of their existence by the mathematical work of Dr. David Finkelstein and others. In this, Wheeler demonstrated the traits of the best scientists: a willingness to challenge, and ultimately change, his views based on the facts and evidence.

When he reached Princeton University's mandatory retirement age in 1976, Wheeler was not ready to walk away from the profession he loved. He moved to Texas, taking up residence at the University of Texas at Austin and continued his investigation into the workings of the universe, seeking to understand "how everything fits together." He continued to teach, lecture, and write for many more years, and his influence on at least two generations of physicists will be felt for generations to come.

Dr. Wheeler's wife of 72 years, the late Jannette Hegner Wheeler, passed away in October 2007 at age 99. The Wheelers are survived by their three children, Ms. Lahnston and Letitia Wheeler Ufford, both of Princeton; James English Wheeler of Ardmore, Pa.; 8 grandchildren, 16 great-grandchildren, 6 step-grandchildren and 11 step-great grandchildren.

I am pleased to join my colleagues in honoring John Wheeler through H. Res. 1118. We can honor him best by recommitting ourselves to making America the world leader in scientific research and achievements, and I will certainly do all I can to make that another of Dr. Wheeler's lasting achievements.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to congratulate Israel as it celebrates its 60th anniversary. Israel is not only a close military ally and trade partner, it is also a true friend of the United States.

The United States shares Israel's commitment to peace and freedom. We share a commitment to democracy, the Rule of Law and we share a culture that honors life—not that glamorizes death. Perhaps more than any other people, Israel understands the insidiousness of evil and the need for good people to remain vigilant against it. We share a great deal, Madam Speaker. It is no accident that the United States and Israel are such great friends.

Despite frequent and cowardly attacks, this young country has withstood every missile, every grenade, every car bomb, every suicide bomber. Israel has weathered the violence of terrorist groups such as Hamas and Hezbollah, which have vowed Israel's destruction and which receive copious funding from Iran and Syria. Israel must combat these constant and cowardly attacks, but rarely does the world acknowledge the restraint shown by Israel in defending itself, trying always to wage this war of survival with reverence for innocent life.

While rockets rain down on Israel from terrorists operating in Gaza, Israel continues to allow the delivery of food and medicines across the Gaza border. Although Hamas seizes humanitarian aid for its own nefarious uses and exploits humanitarian vehicles to smuggle weapons and explosives, Israel continues to allow aid to flow across its border with Gaza. While Israel's enemies purposely target the innocent, Israel responds with tactical strikes against terrorists, their weapons bases, and their command centers to protect the innocent. While the forces of extremism and terrorism continue to barrage freedom-loving people in Israel and around the globe, I am heartened to see that the forces of evil have failed to destroy the basic goodness of those who struggle against terror so that they may live in peace and freedom.

Mr. Speaker, on the occasion of Israel's 60th anniversary, I am honored to have this opportunity to congratulate Israel for its tremendous contributions to the world and to express my profound gratitude for Israel's unwavering friendship with the United States.

40 YEARS AFTER ITS FOUNDING, THE PEACE CORPS CONTINUES ITS MISSION WITH STRONG SUPPORT FROM MAINE

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. ALLEN. Madam Speaker, in March, we marked the 47th anniversary of the founding

of the Peace Corps. This unique service organization continues to fulfill its mission across the globe, bringing people together, and enlightening both American volunteers and the people and communities they serve.

After President John F. Kennedy established the Peace Corps, 51 Americans stepped forward to assume the challenge to serve.

Today, there are over 8,000 volunteers serving in over 74 countries around the world. They work in areas such as education, business development, environment, health and HIV/AIDS, and agriculture. They live the Middle East, Africa, Asia, Latin America, and Eastern Europe. They are both young and seasoned, but all contribute enormous skills, knowledge, compassion and commitment to help people help themselves. Over the years, Maine has contributed many volunteers to the Peace Corps. Current Maine residents now serving are:

Cassandra M. Atwood in Tonga, Michael T. Berg in Armenia, Clarissa L. Brundage in Togo, Selina H. Carter in Ecuador, Andrea D. Danielson in Gambia, Shawn C. Donohue in Mali, Greg N. Dorr in Malawi, Laura N. Dow in China, John M. Engler in Guatemala, Jeffrey E. Frank in Belize, Rebecca B. Friedrichs in Togo, Joseph P. Guglielmetti in Zambia, Benjamin C. Hatch in Mali, Clint O. Benslev in Romania, Richard E. Higgins in the Philippines, Sarah W. Holt in Ecuador, Matthew P. Krannig in Nicaragua, Jessica E. Lampron in South Africa, Karen A. Lee in Swaziland, Joshua D. Lincolns in Bolivia, David A. Ludman in Benin, Ran L. Mastropaolo in the Eastern Caribbean, Joshua R. Meservey in Zambia, Matthew A. Mowatt in Kazakhstan, Joel L. Patterson in Senegal, James Perlow in South Africa, Nancy L. Sherrill in South Africa, John W. Shryock in Bulgaria, Emily E. Silver in Tanzania, Jessica J. Sleeper in Vanuatu, Zoe J. Underhill in Ecuador, Aaron A. Weiss in Moldova, Cheney J. Wells in Costa Rica and Nicholas B. Wilson in Gambia.

I am proud that Maine, a small state in population, is making such a big difference in the world. My deep gratitude goes to these volunteers for serving their country, the Peace Corps and world peace.

93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. HOYER. Madam Speaker, today we commemorate one of the most tragic chapters in human history: the Armenian genocide, whose 93rd anniversary is marked today. From 1915 to 1923, officials of the Ottoman Empire carried out a systematic campaign of massacres and forced deportations of Armenians from their homeland. All told, 1.5 million innocent men, women and children were murdered in this genocide, and 500,000 became refugees and displaced persons.

And sadly, we see this pattern—of genocide—repeating itself today. It is no coincidence that on this very day of commemoration, the news from Darfur grows only worse. While the world's worst humanitarian and human rights crisis continues to unfold, the re-

gime in Khartoum continues to stymie the implementation of a peacekeeping force, and the peace process has ground to a halt. From the U.N. come frightening new figures—300,000 dead and the vast majority of the region's population, 4.27 million out of 6 million, now "seriously affected" by the conflict.

Clearly, patterns repeat themselves. Which is all the more reason why, in commemorating the 20th century's first genocide, one cannot help but feel compelled to redouble our efforts to resolve the 21st century's first genocide—that of Darfur.

The Genocide Convention speaks not only of addressing genocide after it has happened—but also of preventing genocide. This day of commemoration should remind us all that we have a responsibility not only to honor the victims of genocide and their families, not only a responsibility to the past, but to the future. In the face of continuing genocide, we have a responsibility for action—not apathy.

In a July 24, 1915 cable, American Consul Leslie Davis said of the genocide of Armenians, "I do not believe there has ever been a massacre in the history of the world so general and thorough as that which is now being perpetrated in this region or that a more fiendish, diabolical scheme has ever been conceived by the mind of man." Today, those words strike us not only as tragic—but as outdated. The troubled 20th century showed us, again and again and again, that the mind of man is more than capable of such diabolical schemes.

Today, burdened by the memory of those crimes, we remember and rededicate. Today we return to the origin of genocide, and we honor the dead. Let us find in their memory not only grief, but new resolution—to speedily end today's atrocities, to prevent those of tomorrow, and to punish all those who would attempt or carry out evil on such a scale.

TRIBUTE TO ERNEST LEROY PETERSON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to the patriotic public service and self sacrifice of Ernest LeRoy Peterson.

Ernest LeRoy Peterson was born on December 28, 1920, in Albert Lea, Minnesota, to Oscar and Nora Peterson. He was the second eldest son of eight children. As a child, he moved to the eastern plains of Colorado, where his family was involved in farming.

In August 1942, he was drafted into the 531st Anti-Aircraft Artillery Battalion, 30th Army Division, as a private. He completed basic training at Ft. Bliss, Texas and then advanced combat training at Camp Coxcomb, California. He later advanced to the rank of sergeant and section chief of Squad 13, Eighth Gun Crew.

On February 12, 1944, his battalion sailed out of Boston Harbor aboard the RMS *Empress of Australia*, bound for England. The ship, one of the largest transport vessels, held 6,800 troops. Ernie's bunk was in the swimming pool due to the lack of space. After 10 days on the high seas, the unit debarked at the bomb-scarred city of Liverpool.

On June 4, 1944, General Eisenhower spoke to Ernest and thousands of other troops over a loud speaker telling them an invasion of France would begin on June 6 and said, "Soldiers, sailors and airmen of the Allied expeditionary force, you are about to embark upon the great crusade, toward which we have striven these many months. The eyes of the world are upon you. The hopes and prayers of liberty-loving people everywhere march with you. . . . I have full confidence in your courage, devotion to duty and skill in battle. We will accept nothing less than full Victory! Good Luck! And let us all beseech the blessing of Almighty God upon this great and noble undertaking."

Ernest landed on Omaha Beach with the 531st on June 15th, nine days after D-day. Facing fierce battles along the way, Ernest's division first encountered the Germans at Isigny, France. During his march to Germany, Ernest participated in the Battle of the Bulge, which started on December 16, 1944. Three powerful German armies with over 500,000 men plunged into the heavily forested Ardennes region of eastern Belgium and northern Luxembourg. The Americans were able to stop them at Malmedy.

Ernest dug in his defensive position at Malmedy not more than 100 yards from where 86 American prisoners had been massacred by the Germans the day before. For 5 days in a row his unit was under air attack in Malmedy by Americans who thought the city had fallen to the Germans. Ernest eventually marched into Germany and met up with Russian soldiers on April 17, 1945.

Ernest's unit also went to Buchenwald concentration camp. They found piles of human bones and piles of eyeglasses five feet tall, as well as lamp shades made out of human skin. The prisoners that remained were skin and bone. Ernest did occupational duty as a guard at a prison in St. Marc, France, before returning to the United States. He received an honorable discharge from the Army on November 14, 1945.

For his service to this Nation, Ernest was awarded the Good Conduct Medal, the American Campaign Medal, the European-African-Middle Eastern Campaign Medal, the World War II Victory Medal, the Honorable Service Lapel Button, the Sharpshooter Badge and Rifle Bar and the Marksman Badge and Submachine Gun Bar. He was also awarded the Croix de Guerre by the French for volunteering to go on a special mission to push the Germans back across the Rhine River as well as the Fourragère of Belgium for his part in the liberation of Belgium.

On April 13, 2008, Ernest LeRoy Peterson passed away at the age of 87. He is survived by his wife of 57 years, Charlotte, his two children, six grandchildren, and four great-grandchildren.

Madam Speaker, I am honored to pay tribute to Mr. Peterson and other men and women who have given so much for our freedom. Like so many other members of the "Greatest Generation," I urge my colleagues to join me in expressing my heartfelt gratitude and sincere appreciation for the patriotic service of Mr. Ernest LeRoy Peterson.

RECOGNIZING THE RETIREMENT
OF JAMES “CHOPPY” SAUNDERS,
PRESIDENT OF THE BOARD OF
TRUSTEES OF MIDDIFEST INTER-
NATIONAL

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

Mr. BOEHNER. Madam Speaker, I rise to recognize the retirement of James “Choppy” Saunders, a leading citizen of Middletown, Ohio and to express my appreciation for his

dedication and commitment to public service. Since 1986 Choppy has given freely of his time and talents to Middfest International and for that I offer him my utmost congratulations and thanks.

Choppy's love for his community goes far beyond his involvement with Middfest and his 17 years as its General Chairman. He has served on many boards and commissions. He is the past President and First Vice-President of the Ohio-Kentucky-Indiana Regional Planning Authority and Regional Council of Governments, President of the Middletown Board of Health, President of the Middletown Area Chamber of Commerce, Board Member of the

Middletown Area Neediest Youth and of course was the first African American elected to the Middletown City Commission.

Choppy's record—as a committed community man and as a good neighbor helping those in need—will leave an enduring legacy in Middletown. His leadership will be missed, but the footprint he has left will inspire many to emulate his good works.

Choppy, I offer my congratulations and gratitude for your long and successful career in public service. I wish you well in your retirement, and I hope you continue to achieve happiness and success wherever your life journey may lead you.

Daily Digest

HIGHLIGHTS

Senate passed S. 1315, Veterans' Benefits Enhancement Act.

Senate

Chamber Action

Routine Proceedings, pages S3337–S3413

Measures Introduced: Eighteen bills and four resolutions were introduced, as follows: S. 2903–2920, and S. Res. 530–533. **Pages S3401–02**

Measures Reported:

S. 2433, to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day, with amendments. (S. Rept. No. 110–331)

H. Con. Res. 292, honoring Margaret Truman Daniel and her lifetime of accomplishments.

S. Res. 511, recognizing that John Sidney McCain, III, is a natural born citizen.

S. Res. 515, commemorating the life and work of Dith Pran. **Page S3400**

Measures Passed:

Farm Security and Rural Investment Act Extension: Senate passed S. 2903, to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008. **Pages S3340–42**

Veterans' Benefits Enhancement Act: By 96 yeas to 1 nay (Vote No. 112), Senate passed S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, after agreeing to the committee amendment in the nature of a substitute and taking action on the following amendment proposed thereto: **Pages S3347–63**

Adopted:

Akaka Amendment No. 4576, of a perfecting nature. **Page S3353**

Rejected:

By 41 yeas to 56 nays (Vote No. 111), Burr Amendment No. 4572, to increase benefits for disabled United States veterans and provide a fair benefit to World War II Filipino veterans for their service to the United States. **Pages S3347–53, S3354**

Genetic Information Nondiscrimination: By a unanimous vote of 95 yeas (Vote No. 113), Senate passed H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, after taking action on the following amendment proposed thereto: **Pages S3363–75**

Adopted:

Kennedy (for Snowe) Amendment No. 4573, in the nature of a substitute. **Page S3374**

Congressional Gold Medal: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 4286, to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma, and the bill was then passed, clearing the measure for the President. **Pages S3411–12**

National Cystic Fibrosis Awareness Month: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 510, supporting the goals and ideals of National Cystic Fibrosis Awareness Month, and the resolution was then agreed to. **Page S3412**

Recognizing the 60th Anniversary of the Founding of the Modern State of Israel: Senate agreed to H. Con. Res. 322, recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel. **Page S3412**

Measures Considered:

FAA Reauthorization Act—Agreement: Senate began consideration of the motion to proceed to consideration of H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system. **Pages S3411, S3412–13**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, April 24, 2008, a vote on cloture will occur at 5:30 p.m. on Monday, April 28, 2008. **Page S3411**

A unanimous-consent agreement was reached providing that Senate resume consideration of the motion to proceed to consideration of the bill at approximately 4:30 p.m., on Monday, April 28, 2008, with the time until 5:30 p.m., equally divided and controlled between the Majority and Republican Leaders, or their designees; provided further, that at 5:30 p.m., Senate vote on the motion to invoke cloture on the motion to proceed to consideration of the bill. **Page S3411**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that the Majority Leader be authorized to sign bills and joint resolutions through the recess or adjournment of the Senate through Monday, April 28, 2008. **Page S3411**

Nominations Received: Senate received the following nominations:

Lyndon L. Olson, Jr., of Texas, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2008.

Kristen Silverberg, of Texas, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador.

1 Navy nomination in the rank of admiral.

A routine list in the Navy. **Page S3413**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, which was sent to the Senate on January 9, 2007. **Page S3413**

Messages from the House: **Page S3397**

Measures Referred: **Page S3397**

Measures Read the First Time: **Pages S3397, S3412, S3413**

Enrolled Bills Presented: **Pages S3397–98**

Executive Communications: **Pages S3398–S3400**

Executive Reports of Committees: **Pages S3400–01**

Additional Cosponsors: **Pages S3402–03**

Statements on Introduced Bills/Resolutions: **Pages S3403–09**

Additional Statements: **Pages S3396–97**

Amendments Submitted: **Pages S3409–10**

Authorities for Committees to Meet: **Pages S3410–11**

Privileges of the Floor: **Page S3411**

Record Votes: Three record votes were taken today. (Total—113) **Pages S3354, S3354–55, S3374**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:28 p.m., until 2:00 p.m. on Monday, April 28, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3412.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: MILITARY CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2009 for military construction, after receiving testimony from Tina W. Jonas, Under Secretary (Comptroller), Wayne Army, Deputy Under Secretary for Installations and Environment, B.J. Penn, Assistant Secretary of the Navy for Installations and Environment, Major General Eugene G. Payne, Jr., Assistant Deputy Commandant for Installations and Logistics (Facilities), and Rear Admiral Mark A. Handley, Deputy Commander, Navy Installations Command, all of the Department of Defense.

INTELLIGENCE BRIEFING

Committee on Armed Services: Committee met in closed session to receive a briefing on sensitive intelligence matters from officials of the intelligence community.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 4,206 nominations in the Army, Navy, Air Force, and Marine Corps.

SOVEREIGN INVESTMENTS REGULATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine United States credit markets, focusing on the United States regulatory framework for assessing sovereign wealth

fund acquisitions and other foreign government investments in the United States, after receiving testimony from Scott G. Alvarez, General Counsel, Board of Governors of the Federal Reserve System; Ethiopis Tafara, Director, Office of International Affairs, U.S. Securities and Exchange Commission; Dennis Johnson, California Public Employees' Retirement System, Sacramento; Paul Rose, Ohio State University Moritz College of Law, Columbus; and David Marchick, Carlyle Group, and Jeanne S. Archibald, Hogan and Hartson LLP, both of Washington, D.C.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following:

S. 2688, to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption, with an amendment in the nature of a substitute;

S.J. Res. 28, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership;

S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005;

S. 2507, to address the digital television transition in border states, with an amendment in the nature of a substitute;

H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements;

H.R. 802, to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, with an amendment in the nature of a substitute;

S. 2657, to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, with an amendment in the nature of a substitute;

S. 2482, to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida; and

Certain promotion lists in the U.S. Coast Guard.

NATIONAL NANOTECHNOLOGY INITIATIVE

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Innovation

concluded a hearing to examine the National Nanotechnology Initiative, focusing on charting the course for its reauthorization, after receiving testimony from Richard M. Russell, Associate Director and Deputy Director for Technology, Office of Science and Technology Policy, Executive Office of the President; Robert A. Robinson, Managing Director, Natural Resources and Environment, Government Accountability Office; Matthew M. Nordan, Lux Research, Inc., Boston, Massachusetts; David Rejeski, Woodrow Wilson International Center for Scholars, Washington, D.C.; P. Lee Ferguson, University of South Carolina Department of Chemistry and Biochemistry, Columbia; Anita Goel, Nanobiosym, Inc., Medford, Massachusetts; and Jim Heath, California Institute of Technology, Pasadena.

WATER BILLS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine S. 2680, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of Colorado, S. 2805, to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, S. 2814, to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, H.R. 29, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, H.R. 1803, to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and H.R. 123, to authorize appropriations for the San Gabriel Basin Restoration Fund, after receiving testimony from Robert W. Johnson, Commissioner, Bureau of Reclamation, Department of the Interior; Susan Parker Bodine, Assistant Administrator for

Solid Waste and Emergency Response, Environmental Protection Agency; Martha Rudolph, Colorado Department of Public Health and Environment, Denver; Orlando Ortega, Eastern New Mexico Rural Water Authority, Portales; Joseph Michael Chavarria, Santa Clara Pueblo, Espanola, New Mexico, on behalf of the Eight Northern Indian Pueblos Council; and Milton G. Davies, Fallbrook Public Utility District, Fallbrook, California.

CAP-AND-TRADE PROGRAM TAX ASPECTS

Committee on Finance: Committee concluded a hearing to examine tax aspects of a cap-and-trade system for carbon dioxide emissions, after receiving testimony from Peter R. Orszag, Director, Congressional Budget Office; Robert Greenstein, Center on Budget and Policy Priorities, Washington, D.C.; and Henry Derwent, International Emissions Trading Association, Geneva, Switzerland.

NATIONAL SECURITY REFORM

Committee on Foreign Relations: Committee concluded a hearing to examine implementing smart power, focusing on setting an agenda for national security reform, after receiving testimony from Richard L. Armitage, Armitage International, Arlington, Virginia, and Joseph S. Nye, Jr., Harvard University Kennedy School of Government, Cambridge, Massachusetts, both on behalf of the Center for Strategic and International Studies Commission on Smart Power; and James R. Locher, III, Project on National Security Reform, and Gordon Adams, American University School of International Service, both of Washington, D.C.

INTERNATIONAL DEBT

Committee on Foreign Relations: Committee concluded a hearing to examine international debt, focusing on creating relief initiatives, including S. 2166, to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, after receiving testimony from Clay Lowery, Assistant Secretary of the Treasury for International Affairs; Nancy Birdsall, Center for Global Development, and Gerald F. Flood, United States Conference of Catholic Bishops, both of Washington, D.C.; and Peter Blair Henry, Stanford University Graduate School of Business, Stanford, California.

INTELLIGENCE BRIEFING

Committee on Foreign Relations: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

IRAN'S NUCLEAR AMBITIONS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine issues relative to the full range of nuclear technology that Iran desires to acquire, focusing on policy options for the United States and its allies, after receiving testimony from Senators Specter and Feinstein; Ambassador Jeffrey Feltman, Principal Deputy Assistant Secretary for the Bureau of Near Eastern Affairs, and Patricia McNerney, Principal Deputy Assistant Secretary for the Bureau of International Security and Nonproliferation, both of the Department of State; Stephen G. Rademaker, BGR Holding, LLC, and Dennis Ross, Washington Institute for Near East Policy, both of Washington, D.C.; and Graham Allison, Harvard University Belfer Center for Science and International Affairs, and Jim Walsh, Massachusetts Institute of Technology, both of Cambridge, Massachusetts.

REFORMING EXPORT LICENSING AGENCIES

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine reforming export licensing agencies for national security and economic interests, focusing on the structure of the Federal government's agencies that are responsible for licensing controlled exports, the process in place for licensing, ways the structures help or hinder their decision-making for licenses, human capital challenges of the export control bureaucracy, and recommendations for improving the export control processes and personnel, after receiving testimony from Stephen D. Mull, Acting Assistant Secretary of State for Political Military Affairs; Beth M. McCormick, Director, Defense Technology Security Administration, Department of Defense; Matthew S. Borman, Deputy Assistant Secretary, Bureau of Industry and Security, Department of Commerce; Ann Calvaresi Barr, Director, Acquisition and Sourcing Management, Government Accountability Office; and William A. Reinsch, National Foreign Trade Council, Daniel B. Poneman, Scowcroft Group, and Edmund B. Rice, Coalition for Employment through Exports, Inc., all of Washington, D.C.

FDA

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the U.S. Food and Drug Administration, focusing on its ability to ensure the safety of food and the drug supply in the United States, after receiving testimony from

Janet Woodcock, Director, Center for Drug Evaluation and Research, Food and Drug Administration, Department of Health and Human Services; William K. Hubbard, former Associate Commissioner for Policy and Planning, Food and Drug Administration, Alliance for a Stronger FDA, and Robert Brackett, Grocery Manufacturers Association, both of Washington, D.C.; J. Glenn Morris, Jr., University of Florida, Gainesville; and Gerry Migliaccio, Pfizer Inc., Peapack, New Jersey.

FEDERAL ACKNOWLEDGMENT PROCESS

Committee on Indian Affairs: Committee concluded an oversight hearing to examine recommendations for improving the process for federal acknowledgment as an Indian tribe, after receiving testimony from Carl J. Artman, Assistant Secretary of the Interior for Indian Affairs; Patty Ferguson-Bohnee, Arizona State University Sandra Day O'Connor College of Law, Tempe; and Anthony Rivera, Jr., Acjachemen Nation, San Juan Capistrano, California.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following:

H.R. 65, to provide for the recognition of the Lumbee Tribe of North Carolina;

S. 1779, to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, with an amendment in the nature of a substitute;

H.J. Res. 62, to honor the achievements and contributions of Native Americans to the United States, with an amendment in the nature of a substitute;

S. 1193, to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; and

The nomination of Robert G. McSwain, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

S. 2533, to enact a safe, fair, and responsible state secrets privilege Act, with amendments;

S. 702, to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs, with an amendment in the nature of a substitute;

S. Res. 511, recognizing that John Sidney McCain, III, is a natural born citizen;

H. Con. Res. 292, honoring Margaret Truman Daniel and her lifetime of accomplishments;

S. Res. 515, commemorating the life and work of Dith Pran; and

The nominations of Michael G. McGinn, to be United States Marshal for the District of Minnesota, and Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States, both of the Department of Justice, Mark S. Davis, to be United States District Judge for the Eastern District of Virginia, David Gregory Kays, to be United States District Judge for the Western District of Missouri, and Stephen N. Limbaugh, Jr., to be United States District Judge for the Eastern District of Missouri.

DELTA-NORTHWEST MERGER

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine the merger between Delta Air Lines, Inc., and Northwest Airlines, Inc., after receiving testimony from Senators Klobuchar and Chambliss; Douglas M. Steenland, Northwest Airlines, Inc., Eagan, Minnesota; Richard H. Anderson, Delta Air Lines, Inc., Atlanta, Georgia; Kevin Mitchell, Business Travel Coalition, Radnor, Pennsylvania; and Darren Bush, University of Houston Law Center, Houston, Texas.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 5885–5910; and 13 resolutions, H. Con. Res. 332–335; and H. Res. 1146–1159 were introduced. **Pages H2758–59**

Additional Cosponsors: **Pages H2759–61**

Reports Filed: Reports were filed today as follows:

H.R. 906, to promote and coordinate global change research, with an amendment (H. Rept. 110–605, Pt. 1);

H.R. 5720, to amend the Internal Revenue Code of 1986 to provide assistance for housing, with an amendment (H. Rept. 110–606); and

H.R. 5749, to provide for a program of emergency unemployment compensation, with an amendment (H. Rept. 110–607). **Page H2758**

Chaplain: The prayer was offered by the guest Chaplain, Chaplain Paul L. Sherouse, Wing Chaplain, Andrews Air Force Base, Air Force District of Washington. **Page H2661**

Amending Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008: The House agreed by unanimous consent to S. 2903, to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008—clearing the measure for the President. **Pages H2720–21**

Coast Guard Authorization Act of 2007: The House passed H.R. 2830, to authorize appropriations for the Coast Guard for fiscal year 2008, by a recorded vote of 395 ayes to 7 noes, Roll No. 223. **Pages H2663–66, H2666–2720, S2721–36**

Rejected the Chabot motion to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 195 ayes to 208 noes, Roll No. 222. **Pages H2733–35**

Pursuant to the rule, the amendment in the nature of a substitute printed in part A of H. Rept. 110–604 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendments in the nature of a substitute recommended by the Committees on Transportation and Infrastructure, Homeland Security, and the Judiciary now printed in the bill. **Pages H2677–H2720, H2721–33**

Accepted:

Oberstar manager's amendment (No. 1 printed in part B of H. Rept. 110–604) that increases FY08 funding to the Coast Guard to \$8.4 billion; increases the authorized number of Coast Guard personnel by 1,500 members, to 47,000; increases maritime security response teams; mandates protection and enforcement of security zones encompassing all Liquefied Natural Gas (LNG) areas by the Coast Guard; requires certification that the Coast Guard has adequate resources to provide such protection; directs the Department of Homeland Security to provide an analysis of the threat and consequences of a terrorist attack on gasoline and chemical shipments and report the findings to Congress; establishes an Assistant Commandant for Port and Waterways Security responsible for overseeing all regulations dealing with security in ports and waterways; eliminates Lead System Integrators for the Deepwater Program, establishing instead a civilian Chief Acquisitions Officer reporting directly to the Coast Guard Commandant; increases safety requirements on commercial fishing vessels and mandates training for operators; requires lower emissions of sulfur oxide and nitrogen oxide so that ships meet EPA standards and the U.S. complies with an international maritime pollution convention; requires double hulls on ships carrying more than 600 cubic meters of oil; requires ships to begin installing ballast water treatment systems to protect against the introduction of invasive species into ports and waterways; considers all Coast Guard vessels homeported in Guam as ineligible to receive repairs at foreign shipyards; requires the Coast Guard Academy to establish a policy on sexual harassment; authorizes the Coast Guard to issue regulations requiring licensed pilots to carry portable electronic devices for navigation; and requires the EPA to study the underground petroleum spill on the Brooklyn shoreline; **Pages H2713–14**

LaTourette amendment (No. 2 printed in part B of H. Rept. 110–604) that amends section 720 of the substitute (regarding waterside security around liquified natural gas tankers and terminals) to state that the Coast Guard may consider security assets and personnel provided by state and local officials contracted or otherwise made available to an LNG terminal operator in determining whether security resources are available to carry out necessary waterside security measures; **Pages H2714–15**

Matsui amendment (No. 3 printed in part B of H. Rept. 110–604) that requires the Secretary of the department in which the Coast Guard is operating to maintain on an Internet site a numerical accounting

of missing persons and alleged crimes committed on cruise ships. The database would be updated quarterly and aggregated by cruise line. The amendment would require cruise lines to include a link to this database on their public websites; **Pages H2715–17**

Bilirakis amendment (No. 6 printed in part B of H. Rept. 110–604) that strikes section 708 of the substitute amendment (maritime biometric identification) and replaces it with a requirement that the Commandant of the Coast Guard, within one year of enactment, conduct a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security. It requires a cost analysis of expanding these capabilities to other Coast Guard and DHS vessels. The analysis may include a plan to give priority to vessels and units more likely to encounter those suspected of making illegal border crossings through the maritime environment; **Pages H2719–20**

Markey amendment (No. 7 printed in part B of H. Rept. 110–604) that directs the Secretary of Homeland Security to notify the Federal Energy Regulatory Commission (FERC) of any determination by the Secretary that a proposed waterside liquefied natural gas (LNG) facility is suitable or unsuitable for the marine traffic associated with the LNG facility. Within 90 days of such notification, FERC must respond to the Secretary's determination with what action the Commission has taken regarding a proposal to construct and operate a waterside LNG; **Pages H2721–22**

Zoe Lofgren (CA) amendment (No. 8 printed in part B of H. Rept. 110–604) that allows the Secretary of Homeland Security to use a secondary authentication system for individuals applying for transportation security cards when fingerprints are not able to be taken or read to enhance transportation security; **Pages H2722–23**

Bishop (NY) amendment (No. 9 printed in part B of H. Rept. 110–604) that requires the Secretary of the department in which the Coast Guard is operating to study, within 180 days of enactment, the role of state and local law enforcement in augmenting Coast Guard resources by enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from U.S. ports and conducting port security patrols; **Pages H2723–25**

Cuellar amendment (No. 11 printed in part B of H. Rept. 110–604) that directs the Secretary of the department in which the Coast Guard is operating, within 90 days of enactment, to conduct a mission requirement analysis for the navigable portions of the Rio Grande River, Texas, international water boundary. The analysis would identify what re-

sources would be needed to further the Coast Guard's mission along the Rio Grande River;

Pages H2727–28

Kirk amendment (No. 12 printed in part B of H. Rept. 110–604) that includes vessels that operate exclusively in the Great Lakes ecosystem among vessels that would be required to have a ballast water treatment system, at the request of the Secretary of Agriculture; **Pages H2728–29**

Jackson-Lee (TX) amendment (No. 14 printed in part B of H. Rept. 110–604) that directs the Secretary of Homeland Security to assess, within 30 days of enactment, the enrollment sites for transportation security cards, including the feasibility of keeping them open for longer durations and the quality of their customer service and application processing times; **Pages H2729–30**

Stupak amendment (No. 15 printed in part B of H. Rept. 110–604) that permits the Commandant of the Coast Guard to convey, without consideration, the Coast Guard Station Marquette and Lighthouse Point in Marquette County, Michigan, to the City of Marquette, Michigan. The conveyance could not occur until the Coast Guard has relocated to a newly constructed station, any environmental remediation required under federal law has been completed, and the Commandant of the Coast Guard determines that retention of the lighthouse is not needed for Coast Guard missions; **Pages H2730–32**

Poe amendment (No. 4 printed in part B of H. Rept. 110–604) that states the findings of Congress that stateless submersible or semi-submersible vessels on international voyages are a serious international problem, facilitate international crimes, and are a threat to the safety and security of the United States. The amendment makes it a federal criminal offense subject to fines, imprisonment, or both for the operation and embarkation of any stateless submersible or semi-submersible vessel (by a recorded vote of 408 ayes to 1 no, Roll No. 220); and

Pages H2717–18, H2732–33

McNerney amendment (No. 5 printed in part B of H. Rept. 110–604) that states that the marine safety provisions of the bill shall not impair the legal authority of the Coast Guard to carry out its homeland security mission, including protecting ports and waterways, stopping human smuggling, and preventing terrorist organizations from attacking the United States (by a recorded vote of 408 ayes with none voting “no”, Roll No. 221).

Pages H2718–19, S2733

Withdrawn:

Broun (GA) amendment (No. 10 printed in part B of H. Rept. 110–604) that was offered and subsequently withdrawn that would have struck title X

(appeals to national transportation safety board) and title XI (marine safety) from the bill. **Pages H2725–27**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H2736**

H. Res. 1126, the rule providing for consideration of the bill, was agreed to on Wednesday, April 23rd.

Providing for a recess of the House for a joint meeting to receive His Excellency Bertie Ahern, Prime Minister of Ireland: Agreed by unanimous consent that it may be in order at any time on Wednesday, April 30, 2008, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Bertie Ahern, Prime Minister of Ireland. **Page H2737**

Meeting Hour: Agreed that when the House adjourns on Friday, April 25th, it adjourn to meet at 12:30 p.m. on Tuesday, April 29th, for morning hour debate. **Page H2737**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, April 30th. **Page H2737**

Privileged Resolution: The House agreed to H. Res. 1148, providing additional amounts for the expenses of the select committee established under House Resolution 611. **Page H2737**

Commission on Wartime Contracting—Appointment: Read a letter from Representative Boehner, Minority Leader, in which he appointed Mr. Dean G. Poppo of Virginia to the Commission on Wartime Contracting. **Pages H2751–52**

Senate Messages: Messages received from the Senate today appear on pages H2661, 2666, and H2748.

Senate Referrals: S. Con. Res. 77 was referred to the Committee on the Judiciary and S. 2324 and S. 1315 were held at the desk. **Page H2756**

Quorum Calls—Votes: Four recorded votes developed during the proceedings of today and appear on Pages H2732–33, H2733, H2735, and H2735–36. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 6:21 p.m.

Committee Meetings

BIOLOGICAL COUNTERMEASURES AND THREATS

Committee on Appropriations: Subcommittee on Defense held a hearing on Biological Countermeasures and Threats. Testimony was heard from the following officials of the Department of Defense: Darrell Galloway, Director, Joint Science and Technology Office, Defense Threat Reduction Agency; MG Stephen

Reeves, USA, Joint Program Executive Officer for Chemical and Biological Defense; Tony Tether, Director, Defense Advanced Research Projects Agency; and Michael Kilpatrick, M.D., Deputy Director, Force Health Protection and Readiness Program, Office of the Assistant Secretary, Health Affairs; and Robin Robinson, Director, Biomedical Advanced Research Development Authority, Office of the Assistant Secretary, Preparedness and Response, Department of Health and Human Services.

SOCIAL SCIENCE'S NATIONAL SECURITY ROLE

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities, and the Subcommittee on Research and Science Education of the Committee on Science held a joint hearing on the role of the social and behavioral sciences in national security. Testimony was heard from the following officials of the Department of Defense: COL Martin Schweitzer, USA, Commander, 4th Brigade, 82nd Airborne Division, Fort Bragg; and Andre van Tilborg, Deputy Under Secretary (Science and Technology); Mark Weiss, Director, Division of Behavioral and Cognitive Sciences, Directorate for Social, Behavioral and Economic Sciences, NSF and a public witness.

CHILD ABUSE; TEEN RESIDENTIAL PROGRAMS DECEPTION

Committee on Education and Labor: Held a hearing on Child Abuse and Deceptive Marketing by Residential Programs for Teens. Testimony was heard from the following officials of the GAO: Kay Brown, Director, Workforce and Income Security; and Greg Kutz, Managing Director, Forensic Audits and Special Investigations; and public witnesses.

FDA GLOBALIZATION ACT/FOOD—COSMETIC PROGRAMS

Committee on Energy and Commerce: Subcommittee on Health held a hearing on the Food and Drug Administration Globalization Act, food provisions. Testimony was heard from Stephen Sundlof, D.V.M., Director, Center for Food Safety and Applied Nutrition, FDA, Department of Health and Human Services; and public witnesses.

ECONOMIC/HOUSING RESCUE MEASURES

Committee on Financial Services: Began markup of the following bills: H.R. 5830, FHA Housing Stabilization and Homeownership Retention Act of 2008; H.R. 5829, Public Housing Asset Management Improvement Act of 2008.

Will continue April 30.

EXECUTIVE BRANCH WAR POWERS

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on War Powers for the 21st Century: The Executive Branch Perspective. Testimony was heard from Richard F. Grimmett, Specialist in International Security, Foreign Affairs, Defense, and Trade Division, CRS, Library of Congress; and the following former officials of the Department of State: Brian Atwood, Administrator, U.S. Agency for International Development; and Stephen G. Rademaker, U.S. Assistant Secretary, Arms Control.

U.S. SYRIA POLICY

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing on U.S. Policy and the Road to Damascus: Who's Converting Whom? Testimony was heard from public witnesses.

U.S. EXPORT PROMOTION STRATEGY

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing on U.S. Export Promotion Strategy. Testimony was heard from Israel Hernandez, Assistant Secretary, Trade Promotion, Department of Commerce; and public witnesses,

HOMELAND SECURITY REFORM. LOCAL NEEDS

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled "Moving Beyond the First Five Years: Evolving the Office of Intelligence and Analysis to Better Serve State, Local and Tribal Needs." Testimony was heard from Matthew Bettenhausen, Executive Director, Office of Homeland Security, State of California; Juliette Kayyem, Under Secretary, Homeland Security, Executive Office of Public Safety and Security, State of Massachusetts; and public witnesses.

AIRLINE INDUSTRY COMPETITION

Committee on the Judiciary: Task Force on Competition Policy and Antitrust Laws held a hearing on Competition in the Airline Industry. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law ordered reported the following bills: H.R. 5593, Congressional Review Act Improvement Act; and H.R. 4004, amended, To amend the Bankruptcy Abuse Prevention and Consumer Protection Act to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September

11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days.

MISCELLANEOUS MEASURES

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans held a hearing on the following bills: H.R. 3639, Southern Sea Otter Recovery and Research Act; and H. R. 5350, To authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes. Testimony was heard from Representative Scott of Virginia; Kenneth McDermond, Deputy Regional Director, California and Nevada Regional Office, U.S. Fish and Wildlife Service, Department of the Interior; William F. Broglie, Chief Administrative Officer, NOAA, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 859, Sangre de Cristo National Heritage Area Act; H.R. 3227, To direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; H.R. 3667, Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2007; H.R. 3930, Lesser Prairie Chicken National Habitat Preservation Area Act of 2007, and for other purposes; H.R. 3981, Preserve America and Save America's Treasures Act; and H.R. 5540, Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act. Testimony was heard from Representatives Hastings of Washington, Miller of North Carolina, Turner and Salazar; Mitch Butler, Deputy Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, John L. Nau, III, Chairman, Advisory Council on Historic Preservation; and public witnesses.

D.C. DISTRICT ATTORNEY ESTABLISHMENT ACT OF 2007

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service, and the District of Columbia held a hearing on H.R. 1296, District of Columbia District Attorney Establishment Act. Testimony was heard from Eugene Boyd, Analyst, Federalism and Economic Development Policy, Government and Finance Division, CRS, Library of Congress; and a public witness.

ELIMINATING SMOKE AND MIRRORS IN THE MAIL

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service, and

the District of Columbia also held a hearing entitled “Eliminating Smoke and Mirrors in the Mail.” Testimony was heard from the following officials of the U.S. Postal Service: John E. Potter, Postmaster General and CEO; and Mary Anne Gibbons, General Counsel; Dan Blair, Chairman, Postal Rate Commission; Richard Blumenthal, Attorney General, State of Connecticut; and public witnesses.

NASA’S INTERNATIONAL SPACE STATION PROGRAMS

Committee on Science and Technology, Subcommittee on Space and Aeronautics held a hearing on NASA’s International Space Station Program: Status and Issues. Testimony was heard from William Gerstenmaier, Associate Administrator, Space Operations Mission Directorate, NASA; Cristina T. Chaplain, Director, Acquisition and Sourcing Management, GAO; Edward P. Knipling, Administrator, Agricultural Research Service, USDA, and public witnesses.

HOMELAND SECURITY’S AVIATION SECURITY RESEARCH

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on Aviation Security Research and Development at the Department of Homeland Security. Testimony was heard from the following officials of the Department of Homeland Security: Susan Hallowell, Director, Transportation Security Laboratory; and Adam Tsao, Chief of Staff, Office of Operational Process and Technology, Transportation Security Administration; and public witnesses.

SMALL BUSINESSES’ ECONOMIC STIMULATION

Committee on Small Business: Held a hearing entitled “The Role of Small Businesses in Stimulating the Economy.” Testimony was heard from public witnesses.

HIGHWAY FREIGHT MOVEMENT

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Freight Movement from Origin to Destination. Testimony was heard from public witnesses.

VETERANS DISABILITY BENEFITS CLAIMS MODERNIZATION ACT

Committee on Veterans’ Affairs: Subcommittee on Disability and Memorial Affairs approved for full action the Veterans Disability Benefits Claims Modernization Act of 2008.

BRIEFING—SPECIAL PROGRAM

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Special Program.

The Committee was briefed by departmental witnesses.

FY 2009 BUDGET—SPECIAL PROGRAM

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Fiscal Year 2009 Budget—Special Program. Testimony was heard from departmental witnesses.

STRATEGIC PETROLEUM RESERVE AND RECORD GAS PRICES

Select Committee on Energy Independence and Global Warming: Held a hearing entitled “Pumping up Prices: The Strategic Petroleum Reserve and Record Gas Prices.” Testimony was heard from public witnesses.

Joint Meetings

WOMEN: MIGRATION

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine women, migration and development in the Organization for Security and Co-operation in Europe (OSCE) region, focusing on the impact of migration on family and society, the special concerns of migrant women of color, and the economic contributions of women migrants to their home countries through remittances, after receiving testimony from Manuel Orozco, Inter-American Dialogue, and Susan Martin, Georgetown University Institute for the Study of International Migration, both of Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D487)

H.J. Res. 70, congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States. Signed on April 23, 2008. (Public Law 110–203)

COMMITTEE MEETINGS FOR FRIDAY, APRIL 25, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to receive information relating to the treatment of detainees, 9 a.m., SR–222.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of April 28 through May 3, 2008

Senate Chamber

On *Monday*, at 4:30 p.m., Senate will resume consideration of the motion to proceed to consideration of H.R. 2881, FAA Reauthorization Act, and vote on the motion to invoke cloture thereon at 5:30 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: April 30, Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy and the U.S. nuclear weapon non-proliferation efforts, 9:30 a.m., SD-192.

April 30, Subcommittee on Defense, to hold closed hearings to examine the National Reconnaissance Office (NRO)/Space Programs, 10 a.m., S-407, Capitol.

April 30, Subcommittee on Financial Services and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the Consumer Product Safety Commission, 3 p.m., SD-192.

April 30, Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the Office of the Architect of the Capitol, the United States Capitol Police, and the Library of Congress, 3:30 p.m., SD-138.

May 1, Subcommittee on Military Construction and Veterans' Affairs, and Related Agencies, with the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold joint hearings to examine addressing the issue of homeless veterans in America, 10 a.m., SD-138.

Committee on Armed Services: April 29, Subcommittee on Personnel, closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009, 9:30 a.m., SR-222.

April 29, Subcommittee on SeaPower, closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009, 2:30 p.m., SR-222.

April 29, Subcommittee on Readiness and Management Support, closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009, 3 p.m., SR-232A.

April 29, Subcommittee on Emerging Threats and Capabilities, closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009, 4 p.m., SR-222.

April 30, Subcommittee on Strategic Forces, closed business meeting to markup those provisions which fall

under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009, 9:30 a.m., SR-232A.

April 30, Subcommittee on Airland, closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009, 10 a.m., SR-222.

April 30, Full Committee, closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009, 2:30 p.m., SR-222.

May 1, Full Committee, closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009, 9:30 a.m., SR-222.

May 2, Full Committee, closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009, 9:30 a.m., SR-222.

Committee on Banking, Housing, and Urban Affairs: May 1, Subcommittee on Economic Policy, to hold hearings to examine financial literacy for today's homebuyers, 2 p.m., SD-538.

Committee on Commerce, Science, and Transportation: April 29, Subcommittee on Interstate Commerce, Trade, and Tourism, to hold hearings to examine improving consumer protection in subprime home lending, 10:30 a.m., SR-253.

Committee on Energy and Natural Resources: April 30, to hold hearings to examine the nominations of Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior, and Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy, 3:30 p.m., SD-366.

May 1, Full Committee, to hold hearings to examine the adequacy of state and federal regulatory structures for governing electric utility holding companies relating to the repeal of the Public Utility Holding Company Act in the Energy Policy Act of 2005, 9:30 a.m., SD-366.

May 1, Full Committee, to hold hearings to examine the military build-up on Guam, focusing on the impact on civilian community, planning, and response, 2:15 p.m., SD-366.

Committee on Environment and Public Works: April 29, to hold an oversight hearing to examine the Environmental Protection Agency's toxic chemical policies, 10 a.m., SD-406.

Committee on Finance: April 29, to hold an oversight hearing to examine trade functions, focusing on customs and other trade agencies, 10 a.m., SD-215.

Committee on Foreign Relations: April 28, to hold hearings to examine the nominations of William J. Burns, of the District of Columbia, to be an Under Secretary of State (Political Affairs), Janice L. Jacobs, of Virginia, to be an Assistant Secretary of State (Bureau of Consular Affairs), and T. Vance McMahan, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, 4 p.m., SD-419.

April 29, Full Committee, to hold hearings to examine the nominations of Robert Stephen Beecroft, of California, to be Ambassador to the Hashemite Kingdom of Jordan, James B. Cunningham, of New York, to be Ambassador

to Israel, Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Kazakhstan, George A. Krol, of New Jersey, to be Ambassador to Turkmenistan, and Joseph Evan LeBaron, of Oregon, to be Ambassador to the State of Qatar, all of the Department of State, 2:30 p.m., SD-419.

Committee on Health, Education, Labor, and Pensions: April 29, to hold hearings to examine the Occupational Safety and Health Administration, focusing on penalties related to workplace safety, 10 a.m., SD-430.

May 1, Full Committee, to hold hearings to examine preventing childhood injury, 10 a.m., SD-430.

Committee on Homeland Security and Governmental Affairs: April 29, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the REAL ID Act and the Western Hemisphere Travel Initiative, focusing on the impact of implementation, 9:30 a.m., SD-342.

Committee on Indian Affairs: May 1, to hold an oversight hearing to examine Indian energy development, focusing on regaining self-determination over reservation resources, 9:30 a.m., SD-562.

Committee on the Judiciary: April 29, to hold hearings to examine living on the street, focusing on finding solutions to protect runaway and homeless youth, 10 a.m., SD-226.

April 30, Subcommittee on the Constitution, to hold hearings to examine secret law and the threat to democratic and accountable government, 9 a.m., SD-226.

May 1, Full Committee, to hold hearings to examine the nominations of G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit, William T. Lawrence, to be United States District Judge for the Southern District of Indiana, and G. Murray Snow, to be United States District Judge for the District of Arizona, 2:15 p.m., SD-226.

Select Committee on Intelligence: April 29, closed business meeting to markup certain pending legislation, 2:30 p.m., SH-219.

May 1, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

Special Committee on Aging: April 30, to hold hearings to examine making government a model for hiring and retaining elderly workers, 3 p.m., SH-216.

House Committees

Committee on Appropriations, April 29, Subcommittee on Defense/Select Intelligence Oversight Panel, executive, Military Intelligence Program, 5 p.m., H-140 Capitol.

April 30, Subcommittee on Defense, on Defense Outsourcing, 10 a.m., H-140 Capitol.

Committee on Energy and Commerce, April 29, Subcommittee on Oversight and Investigations, hearing entitled "The Heparin Disaster: Chinese Counterfeits and American Failures," 11 a.m., 2123 Rayburn.

May 1, Subcommittee on Health, hearing entitled "Drug and Device Provisions of the 'Food and Drug Administration Globalization Act,'" 10 a.m., 2322 Rayburn.

May 1, Subcommittee on Telecommunications and the Internet, hearing on a measure Enhancing Access to

Broadband Technology and Services for Persons with Disabilities, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, April 30, to continue markup of the following bills: H.R. 5830, FHA Housing Stabilization and Homeownership Retention Act of 2008; and H.R. 5829, Public Housing Asset Management Improvement Act of 2008, 9:30 a.m., 2128 Rayburn.

Committee on Foreign Affairs, April 30, to markup the following measures: the Security Assistance and Arms Export Control Reform Act of 2008; H.R. 3658, To amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service; H.R. 5834, North Korean Human Rights Reauthorization Act of 2008; H. Res.389, Supporting the goals and ideals of Malaria Awareness Day; H.R. 1011, Calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan; H. Res. 1063, Marking the 225th anniversary of the Treaty of Paris of 1783, which ended the Revolutionary War with the Kingdom of Great Britain and recognized the independence of the United States of America, and acknowledging the shared values and close friendship between the peoples and governments of the United States and the United Kingdom of Great Britain and Northern Ireland; H.Res. 1109, Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe; H.R. Con.317, Condemning the Burmese regimes's undemocratic constitution and scheduled referendum; and H. Con. Res. 318, Supporting the goals and ideals of the International Year of Sanitation, 1:30 p.m., 2172 Rayburn.

May 1, Subcommittee on the Middle East and South Asia, and the Subcommittee on International Organizations, Human Rights and Oversight, joint hearing on No Direction Home: An NGO Perspective on Iraqi Refugees and IDIs, 10 a.m., 2172 Rayburn.

Committee on House Administration, May 1, Subcommittee on Capitol Security, hearing on the Administration and Management of the United States Capitol, 11:30 a.m., 1310 Longworth.

Committee on the Judiciary, April 30, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, hearing on Wasted Visas, Growing Backlogs, 2 p.m., 2141 Rayburn.

May 1, Subcommittee on Commercial and Administrative Law, hearing on the Protecting Americans from Unsafe Foreign Products Act, 9:30 a.m., 2141 Rayburn.

May 1, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on the following bills: H.R. 4081, Prevent All Cigarette Trafficking Act of 2007; and

H.R. 5689, Smuggled Tobacco Prevention Act of 2008, 10 a.m., 2237 Rayburn.

Committee on Natural Resources, April 30, to markup the following bills: H.R. 3323, Goleta Water Distribution System Conveyance Act of 2007; H.R. 2649, To make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; H.R. 4841, Soboba Band of Luiseno Indians Settlement Act; H.R. 5618, National Sea Grant College Program Amendments Act of 2008; H.R. 1464, Great Cats and Rare Canids Act of 2007; H.R. 1771, Crane Conservation Act of 2007; H.R. 5540, Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act; H.R. 3667, Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2007; H.R. 3981, Preserve America and Save America's Treasures Act; H.R. 3930, Lesser Prairie Chicken National Habitat Preservation Area Act of 2007; and H.R. 5680, To amend certain laws relating to Native Americans, 1 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, April 29, full Committee and the Subcommittee on National Security and Foreign Affairs, joint hearing on Oversight of Defense Department Acquisitions, 10 a.m., 2154 Rayburn.

April 29, Subcommittee on Federal Workforce, Postal Service and the District of Columbia, hearing on Catching Up: Benefits That Will Help Recruit and Retain Federal Employees; followed by a mark up of the following: H.R. 5550, To amend title 5, United States Code, to increase the maximum age to qualify for coverage as a "child" under the health benefits program for Federal employees; a measure to provide for automatic enrollment and automatic default to the Life Cycle Fund in the Thrift Savings Plan; a measure regarding nonprofit solicitations through the U.S. postal system; and a measure regarding the mailing of tobacco through the U.S. postal system, 2 p.m., 2154 Rayburn.

April 30, Subcommittee on National Security and Foreign Affairs, hearing on Missile Defense, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, April 30, hearing on E-Waste: Can the Nation Handle Modern Refuse in the Digital Age? 10 a.m., 2318 Rayburn.

May 1, Subcommittee on Space and Aeronautics, hearing on NASA's Aeronautics Research and Development: Status and Issues, 10 a.m., 2318 Rayburn.

Committee on Small Business, April 30, hearing entitled "The Effect of the Credit Crunch on Small Business Access to Capital," 10 a.m., 1539 Longworth.

Committee on Transportation and Infrastructure, April 30, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Saving Lives and Money through the Pre-disaster Mitigation Program, 9 a.m., 2167 Rayburn.

April 30, Subcommittee on Water Resources and Environment, hearing on Proposals for a Water Resources Development Act of 2008, 2 p.m., 2167 Rayburn.

May 1, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Amtrak Reauthorization, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, April 30, to markup pending business, 10 a.m., 334 Cannon.

Committee on Ways and Means, May 1, Subcommittee on Select Revenue Measures, hearing on Education Tax Incentives, 10 a.m., Longworth.

Select Committee on Energy Independence and Global Warming, April 29, hearing entitled "Rising Tides, Rising Temperatures: Global Warming's Impact on the Oceans," 1:30 room to be announced.

Joint Meetings

Commission on Security and Cooperation in Europe: April 29, to hold hearings to examine challenges and opportunities of Europe's Black population, focusing on hate crimes and discrimination, anti-immigration and national identity debates, and growing security concerns, 10 a.m., B318, Rayburn Building.

Joint Economic Committee: May 1, to hold hearings to examine how high food prices are impacting American families, 10 a.m., SH-216.

Joint Economic Committee: May 2, to hold hearings to examine the employment-unemployment situation for April 2008, 9:30 a.m., SD-562.

Next Meeting of the SENATE

2 p.m., Monday, April 28

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, April 25

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will resume consideration of the motion to proceed to consideration of H.R. 2881, FAA Reauthorization Act, and vote on the motion to invoke cloture thereon at 5:30 p.m.

House Chamber

Program for Friday: The House will meet in pro forma session at 10 a.m.

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