1743, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 1749

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1749, a bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. 1772

At the request of Mr. BUNNING, the names of the Senator from Nebraska (Mr. JOHANNS), the Senator from South Carolina (Mr. DEMINT), the Senator from New Hampshire (Mr. GREGG), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER), the Senator from Mississippi (Mr. WICKER), the Senator from Nevada (Mr. ENSIGN), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. RISCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SESSIONS), the Senator from Ohio (Mr. VOINOVICH), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. CORKER), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. ROBERTS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1772, a bill to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

S.J. RES. 12

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S.J. Res. 12, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. RES. 275

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. Res. 275, a resolution honoring the Minute Man National Historical Park on the occasion of its 50th anniversary.

S. RES. 312

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

AMENDMENT NO. 2683

At the request of Mr. CHAMBLISS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 2683 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 1820. A bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, today I am introducing the Clean Cruise Ship Act of 2009. This bill would address a serious and growing threat to U.S. waters by placing limits on the dumping of wastewater by cruise ships. Cruise ships generate millions of gallons of wastewater every day—much of it vile sewage. These ships can directly dump their waste into the oceans with minimal oversight.

This bill would require cruise ships to obtain permits through EPA's National Pollutant Discharge Elimination System in order to discharge sewage, graywater, and bilge water. It also would require cruise ships to upgrade their wastewater treatment systems to meet the standards of today's best available technology. This technology significantly reduces the pollutants that ships discharge and is already being used successfully on cruise ships in Alaska, thanks to that state's forward-thinking regulations.

The problem is real. The number of cruise ship passengers has been growing nearly twice as fast as any other mode of travel. In the U.S. alone the numbers are approaching ten million passengers a year, with some ships carrying 3,000 or more passengers. These ships produce massive amounts of waste: one ship can produce over 200,000 gallons of sewage each week; a million gallons of graywater from kitchens, laundry, and showers; and over 25,000 gallons of oily bilge water that collects in ship bottoms.

I have nothing against cruise vacations. They can be a wonderful way to visit beautiful places. What my bill proposes to do is change the way the cruise ships manage the removal of waste. Here is the unpleasant reality. Within three miles of shore, vessels can discharge human body wastes and other toilet waste provided that a ''marine sanitation device'' is installed. The Environmental Protection Agency released a report in December of 2008, however, that concluded that these systems simply don't work. These sewage treatment devices leave discharges that consistently exceed national effluent standards for fecal coliform and other pathogens and pollutants. In fact, fecal coliform levels in effluent are typically 20 to 200 times greater than in untreated domestic wastewater.

Beyond three miles from shore there are no restrictions on sewage discharge. Cruise ships can directly dump raw sewage into U.S. waters.

The situation with cruise ship graywater also requires attention. While cruise ships must obtain permits to discharge graywater within three miles of the coast, there is still a pollution issue. Graywater from sinks, tubs, and kitchens contains large amounts of pathogens and pollutants. Fecal coliform concentrations, for example, are 10 to 1000 times greater than those in untreated domestic wastewater. These pollutants sicken our marine ecosystems, wash up onto our beaches, and contaminate food and shellfish that end up on our dinner plates.

Beyond 3 miles from shore there are no restrictions on graywater discharge. Cruise ships can directly dump graywater into U.S. waters.

Following the lead of Alaska, the Clean Cruise Ship Act seeks to address these oversights. No discharges would be allowed within twelve miles of shore. Beyond twelve miles, discharges of sewage, graywater, and bilge water would be allowed, provided that they meet national effluent limits consistent with the best available technology. That technology works and is commercially available now. The recent Environmental Protection Agency study found that these ''advanced wastewater treatment'' systems effectively remove pathogens, suspended solids, metals, and oil and grease.

Under this legislation, the release of raw, untreated sewage would be banned. No dumping of sewage sludge and incinerator ash would be allowed in U.S. waters. All cruise ships calling on U.S. ports would have to dispose of hazardous waste in accordance with the Resource Conservation and Recovery Act. The bill would establish inspection and enforcement mechanisms to ensure compliance.

The protection of U.S. waters is vital to our Nation's health and economy. The oceans not only support the life of nearly 50 percent of all species on Earth, but they also provide 20 percent of the animal protein and 5 percent of the total protein in the human diet.

Some cruise ship companies already are trying to improve their environmental footprint. They also want to preserve the environment that attracts their passengers. But the efforts between cruise ship companies are not uniform. A Federal standard would apply one set of requirements to all companies.

It is time to bring the cruise ship industry into the 21st century. It is time to update the laws that protect our oceans, and urge adoption of the best available wastewater treatment technology at sea.

Working together, we can support the industry while protecting the natural treasures that are our oceans. I think the approach taken in the Clean Cruise Ship Act will achieve that goal. I encourage my colleagues here in the Senate to work with me to pass legislation that will put a stop to the dumping of hazardous pollutants along our coasts. Together we can clean up this major source of pollution that is harming our waters.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1820

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Cruise Ship Act of 2009''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) cruise ships carry millions of passengers through North American waters each year, showcase some of the most beautiful ocean and coastal environments in the United States, and provide opportunities for passengers to relax and enjoy oceans and marine ecosystems;

(2) the number of cruise passengers continues to grow, making the cruise industry one of the fastest growing tourism sectors in the world;

(3) in 2007, more than 10,000,000 passengers departed from North America on thousands of cruise ships;

(4) during the 2 decades preceding the date of enactment of this Act, the average cruise ship size has increased at a rate of approximately 90 feet every 5 years;

(5) an average-sized cruise vessel generates millions of gallons of liquid waste and many tons of solid waste;

(6) in just 1 week, a 3000-passenger cruise ship generates approximately 210,000 gallons of human sewage, 1,000,000 gallons of water from showers and sinks and dishwashing water (commonly known as ''graywater''), 37,000 gallons of oily bilge water, more than 8 tons of solid waste, and toxic wastes from dry cleaning and photo-processing laboratories;

(7) in an Environmental Protection Agency survey of 29 ships traveling in Alaskan waters, reported sewage generation rates ranged from 1,000 to 74,000 gallons per day per vessel, with the average volume of sewage generated being 21,000 gallons per day per vessel;

(8) those frequently untreated cruise ship discharges deliver nutrients, hazardous substances, pharmaceuticals, and human pathogens, including viruses and bacteria, directly into the marine environment;

(9) in the final report of the United States Commission on Ocean Policy, that Commission found that cruise ship discharges, if not treated and disposed of properly, and the cumulative impacts caused when cruise ships repeatedly visit the same environmentally sensitive areas, ''can be a significant source of pathogens and nutrients with the potential to threaten human health and damage shellfish beds, coral reefs, and other aquatic life'';

(10) pollution from cruise ships not only has the potential to threaten marine life and human health through consumption of contaminated seafood, but also poses a health risk for recreational swimmers, surfers, and other beachgoers;

(11) according to the Environmental Protection Agency, ''Sewage may host many pathogens of concern to human health, including Salmonella, Shigella, Hepatitis A and E, and gastro-intestinal viruses. Sewage contamination in swimming areas and shellfish beds poses potential risks to human health and the environment by increasing the rate of waterborne illnesses'';

(12) the nutrient pollution from human sewage discharges from cruise ships can contribute to the incidence of harmful algal blooms;

(13) algal blooms have been implicated in the deaths of marine life, including the deaths of more than 150 manatees off the coast of Florida;

(14) in a 2005 report requested by the International Council of Cruise Lines, the Science Panel of the Ocean Conservation and Tourism Alliance recommended that—

(A) ''[a]ll blackwater should be treated'';

(B) treated blackwater should be ''avoided in ports, close to bathing beaches or water bodies with restricted circulation, flushing or inflow''; and

(C) blackwater should not be discharged within 4 nautical miles of shellfish beds, coral reefs, or other sensitive habitats;

(15) that Science Panel further recommended that graywater be treated in the same manner as blackwater and that sewage sludge be off-loaded to approved land-based facilities;

(16) in a summary of recommendations for addressing unabated point sources of pollution, the Pew Oceans Commission states that, ''Congress should enact legislation that regulates wastewater discharges from cruise ships under the Clean Water Act by establishing uniform minimum standards for discharges in all State waters and prohibiting discharges within the U.S. Exclusive Economic Zone that do not meet effluent standards.''; and

(17) a comprehensive statutory regime for managing pollution discharges from cruise vessels, applicable throughout the United States, is needed—

(A) to protect coastal and ocean areas from pollution generated by cruise vessels;

(B) to reduce and better regulate discharges from cruise vessels; and

(C) to improve monitoring, reporting, and enforcement of standards regarding discharges.

(b) PURPOSE.—The purpose of this Act is to amend the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) to establish national standards and prohibitions for discharges from cruise vessels.

SEC. 3. CRUISE VESSEL DISCHARGES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) CRUISE VESSEL DISCHARGES.—

''(1) DEFINITIONS.—In this subsection:

''(A) BILGE WATER.—

''(i) IN GENERAL.—The term 'bilge water' means wastewater.

''(ii) INCLUSIONS.—The term 'bilge water' includes lubrication oils, transmission oils, oil sludge or slops, fuel or oil sludge, used oil, used fuel or fuel filters, and oily waste.

''(B) COMMANDANT.—The term 'Commandant' means the Commandant of the Coast Guard.

''(C) CRUISE VESSEL.—

''(i) IN GENERAL.—The term 'cruise vessel' means a passenger vessel that—

''(I) is authorized to carry at least 250 passengers; and

''(II) has onboard sleeping facilities for each passenger.

''(ii) EXCLUSIONS.—The term 'cruise vessel' does not include—

''(I) a vessel of the United States operated by the Federal Government;

''(II) a vessel owned and operated by the government of a State; or

''(III) a vessel owned by a local government.

''(D) DISCHARGE.—The term 'discharge' means the release, escape, disposal, spilling, leaking, pumping, emitting, or emptying of bilge water, graywater, hazardous waste, incinerator ash, sewage, sewage sludge, trash, or garbage from a cruise vessel into the environment, however caused, other than—

''(i) at an approved shoreside reception facility, if applicable; and

''(ii) in compliance with all applicable Federal, State, and local laws (including regulations).

''(E) EXCLUSIVE ECONOMIC ZONE.—The term 'exclusive economic zone' has the meaning given the term in section 2101 of title 46, United States Code (as in effect on the day before the date of enactment of Public Law 109–304 (120 Stat. 1485)).

''(F) FUND.—The term 'Fund' means the Cruise Vessel Pollution Control Fund established by paragraph (11)(A)(i).

''(G) GARBAGE.—The term 'garbage' means solid waste from food preparation, service and disposal activities, even if shredded, ground, processed, or treated to comply with other requirements.

''(H) GRAYWATER.—

''(i) IN GENERAL.—The term 'graywater' means galley water, dishwasher, and bath, shower, and washbasin water.

''(ii) INCLUSIONS.—The term 'graywater' includes, to the extent not already covered under provisions of law relating to hazardous waste—

''(I) spa, pool, and laundry wastewater;

''(II) wastes from soot tanker or economizer cleaning;

''(III) wastes from photo processing;

''(IV) wastes from vessel interior surface cleaning; and

''(V) miscellaneous equipment and process wastewater.

''(I) HAZARDOUS WASTE.—The term 'hazardous waste' has the meaning given the term in section 6903 of the Solid Waste Disposal Act (42 U.S.C. 6903).

''(J) INCINERATOR ASH.—The term 'incinerator ash' means ash generated during the incineration of solid waste or sewage sludge.

''(K) NEW VESSEL.—The term 'new vessel' means a vessel, the construction of which is initiated after promulgation of standards and regulations under this subsection.

''(L) NO-DISCHARGE ZONE.—

''(i) IN GENERAL.—The term 'no-discharge zone' means an area of ecological importance, whether designated by Federal, State, or local authorities.

''(ii) INCLUSIONS.—The term 'no-discharge zone' includes—

''(I) a marine sanctuary;

''(II) a marine protected area;

''(III) a marine reserve; and

''(IV) a marine national monument.

''(M) PASSENGER.—The term 'passenger' means any person (including a paying passenger and any staff member, such as a crew member, captain, or officer) traveling on board a cruise vessel.

''(N) SEWAGE.—The term 'sewage' means—

''(i) human and animal body wastes; and

''(ii) wastes from toilets and other receptacles intended to receive or retain human and animal body wastes.

''(O) SEWAGE SLUDGE.—

''(i) IN GENERAL.—The term 'sewage sludge' means any solid, semi-solid, or liquid residue removed during the treatment of on-board sewage.

''(ii) INCLUSIONS.—The term 'sewage sludge' includes—

''(I) solids removed during primary, secondary, or advanced wastewater treatment;

''(II) scum;

''(III) septage;

''(IV) portable toilet pumpings;

''(V) type III marine sanitation device pumpings (as defined in part 159 of title 33, Code of Federal Regulations (or a successor regulation)); and

''(VI) sewage sludge products.

''(iii) EXCLUSIONS.—The term 'sewage sludge' does not include—

''(I) grit or screenings; or

''(II) ash generated during the incineration of sewage sludge.

''(P) TRASH.—The term 'trash' means solid waste from vessel operations and passenger services, even if shredded, ground, processed, or treated to comply with other regulations.

''(2) PROHIBITIONS.—

''(A) PROHIBITION ON DISCHARGE OF SEWAGE SLUDGE, INCINERATOR ASH, AND HAZARDOUS WASTE.—

''(i) IN GENERAL.—Except as provided by subparagraph (C), no cruise vessel departing from, or calling on, a port of the United States may discharge sewage sludge, incinerator ash, or hazardous waste into navigable waters, including the contiguous zone and the exclusive economic zone.

''(ii) OFF-LOADING.—Sewage sludge, incinerator ash, and hazardous waste described in clause (i) shall be off-loaded at an appropriate land-based facility.

''(B) PROHIBITION ON DISCHARGE OF SEWAGE, GRAYWATER, AND BILGE WATER.—

''(i) IN GENERAL.—Except as provided by subparagraph (C), no cruise vessel departing from or calling on, a port of the United States may discharge sewage, graywater, or bilge water into navigable waters, including the contiguous zone and the exclusive economic zone, unless—

''(I) the sewage, graywater, or bilge water is treated to meet all applicable effluent limits established under this section and is in accordance with all other applicable laws;

''(II) the cruise vessel is underway and proceeding at a speed of not less than 6 knots;

''(III) the cruise vessel is more than 12 nautical miles from shore; and

''(IV) the cruise vessel complies with all applicable standards established under this Act.

''(ii) NO-DISCHARGE ZONES.—Notwithstanding any other provision of this paragraph, no cruise vessel departing from, or calling on, a port of the United States may discharge treated or untreated sewage, graywater, or bilge water into a no-discharge zone.

''(C) SAFETY EXCEPTION.—

''(i) SCOPE OF EXCEPTION.—Subparagraphs (A) and (B) shall not apply in any case in which—

''(I) a discharge is made solely for the purpose of securing the safety of the cruise vessel or saving human life at sea; and

''(II) all reasonable precautions have been taken to prevent or minimize the discharge.

''(ii) NOTIFICATION.—

''(I) IN GENERAL.—If the owner, operator, master, or other person in charge of a cruise vessel authorizes a discharge described in clause (i), the person shall notify the Administrator and the Commandant of the decision to authorize the discharge as soon as practicable, but not later than 24 hours, after authorizing the discharge.

''(II) REPORT.—Not later than 7 days after the date on which a discharge described in clause (i) occurs, the owner, operator, master, or other person in charge of a cruise vessel, shall submit to the Administrator and the Commandant a report that describes—

''(aa) the quantity and composition of each discharge authorized under clause (i);

''(bb) the reason for authorizing each such discharge;

''(cc) the location of the vessel during the course of each such discharge; and

''(dd) such other supporting information and data as are requested by the Commandant or the Administrator.

''(III) DISCLOSURE OF REPORTS.—Upon receiving a report under subclause (II), the Administrator shall make the report available to the public.

''(3) EFFLUENT LIMITS.—

''(A) EFFLUENT LIMITS FOR DISCHARGES OF SEWAGE, GRAYWATER, AND BILGE WATER.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate effluent limits for sewage, graywater, and bilge water discharges from cruise vessels.

''(ii) REQUIREMENTS.—The effluent limits shall—

''(I) be consistent with the capability of the best available technology to treat effluent;

''(II) take into account the best available scientific information on the environmental effects of sewage, graywater, and bilge water discharges, including conventional, nontoxic, and toxic pollutants and petroleum;

''(III) take into account marine life and ecosystems, including coral reefs, shell fish beds, endangered species, marine mammals, seabirds, and marine ecosystems;

''(IV) take into account conditions that will affect marine life, ecosystems, and human health, including seamounts, continental shelves, oceanic fronts, warm core and cold core rings, and ocean currents; and

''(V) require compliance with all relevant Federal and State water quality standards.

''(iii) MINIMUM LIMITS.—The effluent limits promulgated under clause (i) shall require, at a minimum, that treated sewage, treated graywater, and treated bilge water effluent discharges from cruise vessels, measured at the point of discharge, shall, not later than the date described in subparagraph (C)—

''(I) satisfy the minimum level of effluent quality specified in section 133.102 of title 40, Code of Federal Regulations (or a successor regulation); and

''(II) with respect to the samples from the discharge during any 30-day period—

''(aa) have a geometric mean that does not exceed 20 fecal coliform per 100 milliliters;

''(bb) not exceed 40 fecal coliform per 100 milliliters in more than 10 percent of the samples; and

''(cc) with respect to concentrations of total residual chlorine, not exceed 10 milligrams per liter.

''(B) REVIEW AND REVISION OF EFFLUENT LIMITS.—The Administrator shall—

''(i) review the effluent limits promulgated under subparagraph (A) at least once every 5 years; and

''(ii) revise the effluent limits to incorporate technology available at the time of the review in accordance with subparagraph (A)(Ii).

''(C) COMPLIANCE DATE.—The Administrator shall require compliance with the effluent limits promulgated pursuant to subparagraph (A)—

''(i) with respect to new vessels put into water after the date of enactment of this subsection, as of the date that is 180 days after the date of promulgation of the effluent limits; and

''(ii) with respect to vessels in use as of that date of enactment, as of the date that is 1 year after the date of promulgation of the effluent limits.

''(D) SAMPLING, MONITORING, AND REPORTING.—

''(i) IN GENERAL.—The Administrator shall require sampling, monitoring, and reporting to ensure compliance with—

''(I) the effluent limitations promulgated under subparagraph (A);

''(II) all other applicable provisions of this Act;

''(III) any regulations promulgated under this Act;

''(IV) other applicable Federal laws (including regulations); and

''(V) all applicable international treaty requirements.

''(ii) RESPONSIBILITIES OF PERSONS IN CHARGE OF CRUISE VESSELS.—The owner, operator, master, or other person in charge of a cruise vessel, shall at a minimum—

''(I) conduct sampling or testing at the point of discharge on a monthly basis, or more frequently, as determined by the Administrator;

''(II) provide real-time data to the Administrator, using telemetric or other similar technology, for reporting relating to—

''(aa) discharges of sewage, graywater, and bilge water from cruise vessels;

''(bb) pollutants emitted in sewage, graywater, and bilge water from cruise vessels; and

''(cc) functioning of cruise vessel components relating to fuel consumption and control of air and water pollution;

''(III) ensure, to the maximum extent practicable, that technologies providing real-time data have the ability to record—

''(aa) the location and time of discharges from cruise vessels;

''(bb) the source, content, and volume of the discharges; and

''(cc) the operational state of components relating to pollution control technology at the time of the discharges, including whether the components are operating correctly;

''(IV) establish chains of custody, analysis protocols, and other specific information necessary to ensure that the sampling, testing, and records of that sampling and testing are reliable; and

''(V) maintain, and provide on a monthly basis to the Administrator, electronic copies of required sampling and testing data.

''(iii) REPORTING REQUIREMENTS.—The Administrator shall require the compilation and production, and not later than 1 year after the date of enactment of this subsection and biennially thereafter, the provision to the Administrator and the Commandant in electronic format, of documentation for each cruise vessel that includes, at a minimum—

''(I) a detailed description of onboard waste treatment mechanisms in use by the cruise vessel, including the manufacturer of the waste treatment technology on board;

''(II) a detailed description of onboard sludge management practices of the cruise vessel;

''(III) copies of applicable hazardous materials forms;

''(IV) a characterization of the nature, type, and composition of discharges by the cruise vessel;

''(V) a determination of the volumes of those discharges, including average volumes; and

''(VI) the locations, including the more common locations, of those discharges.

''(iv) SHORESIDE DISPOSAL.—The Administrator shall require documentation of shoreside disposal at approved facilities for all wastes by, at a minimum—

''(I) establishing standardized forms for the receipt of those wastes;

''(II) requiring those receipts to be sent electronically to the Administrator and Commandant and maintained in an onboard record book; and

''(III) requiring those receipts to be signed and dated by the owner, operator, master, or other person in charge of the discharging vessel and the authorized representative of the receiving facility.

''(v) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Administrator, in consultation with the Commandant, shall promulgate regulations that, at a minimum, implement the sampling, monitoring, and reporting protocols required by this subparagraph.

''(4) INSPECTION PROGRAM.—

''(A) IN GENERAL.—The Administrator shall establish an inspection program to require that—

''(i) regular announced and unannounced inspections be conducted of any relevant aspect of cruise vessel operations, equipment, or discharges, including sampling and testing of cruise vessel discharges;

''(ii) each cruise vessel that calls on a port of the United States be subject to an unannounced inspection at least once per year; and

''(iii) inspections be carried out by the Environmental Protection Agency or the Coast Guard.

''(B) COAST GUARD INSPECTIONS.—If the Administrator and the Commandant jointly agree that some or all inspections are to be carried out by the Coast Guard, the inspections shall—

''(i) occur outside the Coast Guard matrix system for setting boarding priorities;

''(ii) be consistent across Coast Guard districts; and

''(iii) be conducted by specially-trained environmental inspectors.

''(C) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Administrator, in consultation with the Commandant, shall promulgate regulations that, at a minimum—

''(i) designate responsibility for conducting inspections;

''(ii) require the owner, operator, master, or other person in charge of a cruise vessel to maintain and submit a logbook detailing the times, types, volumes, flow rates, origins, and specific locations of, and explanations for, any discharges from the cruise vessel not otherwise required by the International Convention for the Prevention of Pollution from Ships, 1973 (done at London on November 2, 1973; entered into force on October 2, 1983), as modified by the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (done at London, February 17, 1978);

''(iii) provide for routine announced and unannounced inspections of—

''(I) cruise vessel environmental compliance records and procedures; and

''(II) the functionality, sufficiency, redundancy, and proper operation and maintenance of installed equipment for abatement and control of any cruise vessel discharge (including equipment intended to treat sewage, graywater, or bilge water);

''(iv) ensure that—

''(I) all crew members are informed of, in the native language of the crew members, and understand, the pollution control obligations under this subsection, including regulations promulgated under this subsection; and

''(II) applicable crew members are sufficiently trained and competent to comply with requirements under this subsection, including sufficient training and competence—

''(aa) to effectively operate shipboard pollution control systems;

''(bb) to conduct all necessary sampling and testing; and

''(cc) to monitor and comply with recording requirements;

''(v) require that operating manuals be on the cruise vessel and accessible to all crew members;

''(vi) require the posting of the phone number for a toll-free whistleblower hotline on all ships and at all ports using language likely to be understood by international crews;

''(vii) require any owner, operator, master, or other person in charge of a cruise vessel, who has knowledge of a discharge from the cruise vessel in violation of this subsection, including regulations promulgated under this subsection, to report immediately the discharge to the Administrator and the Commandant;

''(viii) require the owner, operator, master, or other person in charge of a cruise vessel to provide, not later than 1 year after the date of enactment of this subsection, to the Administrator, Commandant, and on-board observers (including designated representatives), a copy of cruise vessel plans, including—

''(I) piping schematic diagrams;

''(II) construction drawings; and

''(III) drawings or diagrams of storage systems, processing, treating, intake, or discharge systems, and any modifications of those systems (within the year during which the modifications are made); and

''(ix) inhibit illegal discharges by prohibiting all means of altering piping, tankage, pumps, valves, and processes to bypass or circumvent measures or equipment designed to monitor, sample, or prevent discharges.

''(D) DISCLOSURE OF LOGBOOKS.—The logbook described in subparagraph (C)(ii) shall be submitted to the Administrator and the Commandant.

''(5) CRUISE OBSERVER PROGRAM.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Commandant, in consultation with the Administrator, shall establish and carry out a program for the hiring and placement of 1 or more trained, independent, observers on each cruise vessel.

''(B) PURPOSE.—The purpose of the cruise observer program established under subparagraph (A) is to monitor and inspect cruise vessel operations, equipment, and discharges to ensure compliance with—

''(i) this subsection (including regulations promulgated under this subsection); and

''(ii) all other relevant Federal and State laws and international agreements.

''(C) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Commandant, in consultation with the Administrator and the Attorney General, shall promulgate regulations that, at a minimum—

''(i) specify that the Coast Guard shall be responsible for the hiring of observers;

''(ii) specify the qualifications, experience, and duties of the observers;

''(iii) specify methods and criteria for Coast Guard hiring of observers;

''(iv) establish the means for ensuring constant observer coverage and allowing for observer relief and rotation; and

''(v) establish an appropriate rate of pay to ensure that observers are highly trained and retained by the Coast Guard.

''(D) RESPONSIBILITIES.—Cruise observers participating in the program established under subparagraph (A) shall —

''(i) observe and inspect—

''(I) onboard liquid and solid handling and processing systems;

''(II) onboard environmental treatment systems;

''(III) use of shore-based treatment and storage facilities;

''(IV) discharges and discharge practices; and

''(V) documents relating to environmental compliance, including—

''(aa) sounding boards, logs, and logbooks;

''(bb) daily and corporate maintenance and engineers' logbooks;

''(cc) fuel, sludge, slop, waste, and ballast tank capacity tables;

''(dd) installation, maintenance, and operation records for oily water separators, incinerators, and boilers;

''(ee) piping diagrams;

''(ff) e-mail archives;

''(gg) receipts for the transfer of materials, including waste disposal;

''(hh) air emissions data; and

''(ii) electronic and other records of relevant information, including fuel consumption, maintenance, and spares ordering for all waste processing- and pollution-related equipment;

''(ii) have the authority to interview and otherwise query any crew member with knowledge of cruise vessel operations;

''(iii) have access to all data and information made available to government officials under this subsection;

''(iv) immediately report any known or suspected violation of this subsection or any other applicable Federal law or international agreement to—

''(I) the owner, operator, master, or other person in charge of a cruise vessel;

''(II) the Commandant; and

''(III) the Administrator;

''(v) maintain inspection records to be submitted to the Commandant and the Administrator on a semiannual basis; and

''(vi) have authority to conduct the full range of duties of the observers within the United States territorial seas, contiguous zone, and exclusive economic zone.

''(E) PROGRAM EVALUATION.—The cruise observer program established and carried out by the Commandant under subparagraph (A) shall include—

''(i) a method for collecting and reviewing data relating to the efficiency, sufficiency, and operation of the cruise observer program, including—

''(I) the ability to achieve program goals;

''(II) cruise vessel personnel cooperation;

''(III) necessary equipment and analytical resources; and

''(IV) the need for additional observer training; and

''(ii) a process for adopting periodic revisions to the program based on the data collected under clause (i).

''(F) OBSERVER SUPPORT.—Not later than 18 months after the date of enactment of this subsection, the Commandant, in consultation with the Administrator, shall implement a program to provide support to observers, including, at a minimum—

''(i) training for observers to ensure the ability of the observers to carry out this paragraph;

''(ii) necessary equipment and analytical resources, such as laboratories, to carry out the responsibilities established under this subsection; and

''(iii) support relating to the administration of the program and the response to any recalcitrant cruise vessel personnel.

''(G) REPORT.—Not later than 3 years after the date of establishment of the program under this paragraph, the Commandant, in consultation with the Administrator, shall submit to Congress a report describing—

''(i) the results of the program in terms of observer effectiveness, optimal coverage, environmental benefits, and cruise ship cooperation;

''(ii) recommendations for increased effectiveness, including increased training needs and increased equipment needs; and

''(iii) other recommendations for improvement of the program.

''(6) REWARDS.—

''(A) PAYMENTS TO INDIVIDUALS.—

''(i) IN GENERAL.—The Administrator or a court of competent jurisdiction, as the case may be, may order payment, from a civil penalty or criminal fine collected for a violation of this subsection, of an amount not to exceed ½ of the amount of the civil penalty or criminal fine, to any individual who furnishes information that leads to the payment of the civil penalty or criminal fine.

''(ii) MULTIPLE INDIVIDUALS.—If 2 or more individuals provide information described in clause (i), the amount available for payment as a reward shall be divided equitably among the individuals.

''(iii) INELIGIBLE INDIVIDUALS.—No officer or employee of the United States, a State, or an Indian tribe who furnishes information or renders service in the performance of the official duties of the officer or employee shall be eligible for a reward payment under this paragraph.

''(B) PAYMENTS TO INDIAN TRIBES.—The Administrator or a court of competent jurisdiction, as the case may be, may order payment, from a civil penalty or criminal fine collected for a violation of this subsection, to an Indian tribe providing information or investigative assistance that leads to payment of the penalty or fine, of an amount that reflects the level of information or investigative assistance provided.

''(C) PAYMENTS DIVIDED AMONG INDIAN TRIBES AND INDIVIDUALS.—In a case in which an Indian tribe and an individual under subparagraph (A) are eligible to receive a reward payment under this paragraph, the Administrator or the court shall divide the amount available for the reward equitably among those recipients.

''(7) LIABILITY IN REM.—A cruise vessel operated in violation of this subsection or any regulation promulgated under this subsection—

''(A) shall be liable in rem for any civil penalty or criminal fine imposed for the violation; and

''(B) may be subject to a proceeding instituted in any United States district court of competent jurisdiction.

''(8) PERMIT REQUIREMENT.—A cruise vessel may operate in the waters of the United States, or visit a port or place under the jurisdiction of the United States, only if the cruise vessel has been issued a permit under this section.

''(9) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (6)(A) and (12)(B) of section 502 shall not apply to any cruise vessel.

''(10) STATUTORY OR COMMON LAW RIGHTS NOT RESTRICTED.—Nothing in this subsection—

''(A) restricts the rights of any person (or class of persons) to regulate or seek enforcement or other relief (including relief against the Administrator or Commandant) under any statute or common law;

''(B) affects the right of any person (or class of persons) to regulate or seek enforcement or other relief with regard to vessels other than cruise vessels under any statute or common law; or

''(C) affects the right of any person (or class of persons) under any statute or common law, including this Act, to regulate or seek enforcement or other relief with regard to pollutants or emission streams from cruise vessels that are not otherwise regulated under this subsection.

''(11) ESTABLISHMENT OF FUND; FEES.—

''(A) CRUISE VESSEL POLLUTION CONTROL FUND.—

''(i) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, to be known as the 'Cruise Vessel Pollution Control Fund' (referred to in this paragraph as the 'Fund').

''(ii) AMOUNTS.—The Fund shall consist of such amounts as are deposited in the Fund under subparagraph (B)(vi).

''(iii) AVAILABILITY AND USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be—

''(I) available to the Administrator and the Commandant as provided in appropriations Acts; and

''(II) used by the Administrator and the Commandant only for purposes of carrying out this subsection.

''(B) FEES ON CRUISE VESSELS.—

''(i) IN GENERAL.—The Commandant and the Administrator shall establish and collect from each cruise vessel a reasonable and appropriate fee for each paying passenger on a cruise vessel voyage, for use in carrying out this subsection.

''(ii) ADJUSTMENT OF FEE.—

''(I) IN GENERAL.—The Commandant and the Administrator shall biennially adjust the amount of the fee established under clause (i) to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor during the most recent 2-year period for which data are available.

''(II) ROUNDING.—The Commandant and the Administrator may round an adjustment under subclause (I) to the nearest 1/10 of a dollar.

''(iii) FACTORS IN ESTABLISHING FEES.—

''(I) IN GENERAL.—In establishing fees under clause (i), the Commandant and Administrator may establish lower levels of fees and the maximum amount of fees for certain classes of cruise vessels based on—

''(aa) size;

''(bb) economic share; and

''(cc) such other factors as are determined to be appropriate by the Commandant and the Administrator.

''(iv) FEE SCHEDULES.—Any fee schedule established under clause (i), including the level of fees and the maximum amount of fees, shall take into account—

''(I) cruise vessel routes;

''(II) the frequency of stops at ports of call by cruise vessels; and

''(III) other applicable considerations.

''(v) COLLECTION OF FEES.—A fee established under clause (i) shall be collected by the Administrator or the Commandant from the owner or operator of each cruise vessel to which this subsection applies.

By Mr. KOHL (for himself, Ms. MIKULSKI, Mr. LEMIEUX, and Mr. LEAHY):

S. 1821. A bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am proud to join Senators KOHL, MIKULSKI, and LEMIEUX to introduce the Elder Abuse Victims Act of 2009, a bill to protect older Americans from abuse and exploitation. It is clear that we are not doing enough to combat crime against seniors, and the Elder Abuse Victims Act will give us important tools to better prevent and punish this deplorable behavior.

I have long fought to improve and protect the lives of older Americans. In 2000, I joined Senator BAYH in sponsoring the Protecting Seniors from Fraud Act, which was signed into law nearly nine years ago today. A key provision that I worked to incorporate into that legislation required the Attorney General to conduct a study of crime against seniors and to include specific information about crimes that disproportionately affect seniors in the National Crime Victimization Survey. The information collected as a result of those provisions has been valuable in understanding the scope of crime perpetrated against seniors and how best to combat it. In 2003, I sought further protections by introducing the Seniors Safety Act. That bill aimed to strengthen enforcement of many of the most prevalent crimes perpetrated against seniors, including health care fraud, nursing home abuse, telemarketing fraud, and pension fraud.

The Elder Abuse Victims Act builds on these earlier efforts and ensures that fighting the abuse and exploitation of our seniors is a top law enforcement priority. Specifically, the bill provides grants to train prosecutors and establish elder justice units within State and local courts and law enforcement offices. It also requires the U.S. Department of Justice to further study state and local enforcement of elder abuse laws and establish more uniform procedures to improve the identification and handling of elder justice matters. Additionally, the bill provides funding for elder abuse victims advocacy groups to ensure that vulnerable seniors have access to critical support services.

It is particularly important that we strengthen our ability to protect older Americans because they are the most rapidly growing population group in our society, making them an ever more attractive target for criminals. The Department of Health and Human Services has predicted that the number of older Americans will grow from 13 percent of the U.S. population in 2000 to 20 percent by 2030. In Vermont, seniors comprise about 12 percent of the population, a number that is expected to increase to 20 percent by 2025.

The growing number of older Americans demands that we have enough advocacy programs and law enforcement services in place to protect our seniors. We all deserve to age with dignity, free of the threat of abuse or fraud. The Elder Abuse Victims Act can help by giving our justice system the tools it needs to prosecute offenders who prey on the elderly. I look forward to working with Senators KOHL, MIKULSKI, LEMIEUX, and others to better protect seniors from crime and abuse.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1822. A bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes; to the Committee

on Banking, Housing, and Urban Affairs.

Mr. MERKLEY. Mr. President, I join today with Senator BOXER of California to introduce legislation that will help create jobs by getting credit flowing to small businesses and consumers.

Small businesses employ half of the Nation's workforce and are key to creating jobs. Sadly, they have been hit hard by the credit crisis. Less than one-third of small businesses report that their credit needs are being met today, and 59 percent of them now rely on credit cards to finance their daily operations, up from 44 percent at the end of last year. We urgently need to speed credit to small businesses so that they can create jobs and grow the economy. The best way to do so is through the thousands of community banks located across our Nation.

Community banks are essential to small business lending. Our Nation's 7,500 community banks of under $1 billion in assets hold 11 percent of our Nation's assets, but they make 38 percent of our Nation's small business loans by asset. Due to the current economic recession, these responsible, well-regulated institutions have seen their capital bases shrunk and have been forced to reduce lending, which negatively impacts surrounding businesses and communities. These institutions can help us turn our economy around if we give them the capital they need to increase the flow of credit to small businesses and entrepreneurs.

The Bank on Our Communities Act will help get capital to community banks—on the condition that they restart lending. The bill empowers the Secretary of the Treasury to redeploy up to $15 billion in TARP into a new Community Credit Renewal Fund. Community banks of $5 billion in assets or less can qualify for investment by the Fund if they conduct an internal stress test to determine the amount of capital they need to remain well-capitalized during adverse economic conditions and restart small business and consumer lending and raise at least 50 percent of that target recapitalization amount from private investors. Once in receipt of their new capital, participating banks would be required to increase small business and consumer lending by at least the amount provided by the Fund and to increase small business lending in particular by at least 5 percent over the lowest point in 2009. Additional incentives are given to increase lending to credit-worthy businesses above the minimum levels required for program participation.

This bill is common sense legislation with common sense values. It will give the folks on Main Street the same access and opportunity as those on Wall Street and create much needed jobs in the process. I ask that my colleagues join me in the effort to help small businesses thrive in our local communities and get our economy back on track.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. CARPER):

S. 1830. A bill to establish the Chief of Conservation Officers Council to improve the energy efficiencies of Federal agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President I rise to introduce a bill that would improve the Federal Government's efforts to become more energy efficient and ensure accountability within executive branch agencies for meeting energy efficiency targets. The legislation would also amend Federal contracting rules to encourage energy efficiency across the Federal, State, and local governments by making energy-saving technologies more widely available and at lower costs to taxpayers. I am pleased to be joined by Senators LIEBERMAN and CARPER on this important bill.

As the largest institutional user of energy in the world, the Federal Government has ample opportunity to implement energy efficiency policies and technologies. According to the U.S. Department of Energy's Federal Energy Management Program, the Federal Government consumes 1.6 percent of the Nation's total energy—about $17.5 billion in annual energy costs. Electricity at Federal buildings accounts for almost half of this usage.

Improving energy efficiency is not only good for the environment; it can also produce savings for taxpayers.

Agencies that have been more aggressive in implementing energy savings initiatives and have fully complied with existing laws and regulations have also enjoyed significant cost savings. For example, two of the Department of Energy laboratories have developed environmental management systems, which have shown a total of $16.6 million in cost savings and avoidance within a 4-year period. Environmental management systems are a strategic approach to ensuring that an organization's environmental priorities are integrated into operational, planning, and management decisions. The systems these laboratories developed emphasized achieving full compliance, pollution prevention, and effective and focused communications and community outreach.

Over the last few decades, more than a dozen laws, regulations, and Executive Orders have been implemented to encourage energy efficiency and reduce environmental impacts of government operations. Unfortunately, agencies have been inconsistent and sporadic in meeting their environmental goals. The lack of a unified effort and accountability with agencies has undermined the good intentions of these policies.

A great variance exists across the government, both in terms of compliance with energy efficiency laws and regulations, as well as with initiatives individual agencies have developed to reduce energy usage.

Agencies should explore diverse and innovative ways to save money by decreasing energy consumption, as well as have greater incentives to undertake initiatives to meet energy reduction mandates.

The Obama administration issued an Executive Order earlier this month, which makes strides in establishing a more integrated strategy toward sustainability and energy efficiency.

This Executive Order, however, does not go far enough in providing agency officials with the authority and accountability necessary to enforce applicable efficiency mandates. The Executive Order directs each agency head to designate an ''Agency Senior Sustainability Officer'' from among the agency's senior management officials. This position is too similar to the agency environmental executives created by Executive Order in 2007, which did very little to improve agencies' compliance with applicable laws.

Our legislation, however, would create a Chief Conservation Officer within each agency. The officer would be drawn from career Senior Executives. These officers will help spur long-term leadership on this issue.

In contrast to the Executive Order, implementing energy efficiency and sustainability policies would also be the primary responsibility of this individual. Dedicating a senior-level career official to energy efficiency policy would improve the government's focus on implementation of existing laws and policies, enhance innovation, and help identify future initiatives.

The Chief Conservation Officer would also be responsible for incorporating environmental considerations into agency procurement practices. This involvement will encourage efficiency improvements in the agency's procurement of goods and services.

To improve the availability of efficiency technologies and help lower their costs, the bill would make several improvements in government procurement policies.

Specifically, the bill would allow state and local government to purchase ''green'' commodities and services off the General Services Administration Schedule. This procurement authority would help State and local governments reduce the administrative costs of negotiating their own contracts and would increase competition and lower costs. Federal agencies should also reap the benefits of this program as more goods and services become available at reduced costs.

Participation in the program would be voluntary for State and local governments, as well as vendors. The proposal would also provide small businesses with ''green'' products more efficient access to State and local markets, markets that geography and cost might otherwise foreclose. For comparison sake, 80 percent of GSA Schedule contracts are with small businesses.

Over the next 5 years, the legislation would also allow agencies to enter into power purchase agreements for electricity produced by renewable energy

sources. These agreements could last not more than 20 years and agencies would need to assess that the agreement would be cost effective before entering into them.

We know from examples such as the solar power system at Nellis Air Force Base what a well-designed public-private partnership can accomplish, if executed correctly. This project cost the Air Force less than $100,000 in capital costs, yet saved the government more than $1.2 million in its first year of operation by supplying ¼ of the total power used at the base, where 12,000 people live and work. Additionally, the project is expected to reduce carbon emissions by 24,000 tons annually.

Finally, the bill would expand the definition of renewable energy in Federal purchase requirements beyond electricity. Under the current definition, agencies cannot take advantage of ''green'' technologies like geothermal energy because geo-thermal energy is not considered electric.

By promoting accountability for meeting existing energy efficiency mandates and by encouraging initiatives to decrease energy usage and spur innovation, this bill would help ''green'' our federal operations. The associated savings should improve our government's bottom line—to the benefit of taxpayers.

By Mr. KERRY:

S. 1831. A bill to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, our country's small businesses continue to struggle with access to credit and capital for maintaining and growing their businesses. Small businesses are the engine of our economy and a key factor in addressing unemployment. They employ more than half of all private sector employees and have generated approximately 64 percent of the net new jobs over the past 15 years. We should be doing more to aid small businesses so they can not only stay on their feet but also flourish to their full potential.

That is why I am reintroducing the Small Business Venture Capital Act, which reauthorizes the New Markets Venture Capital Program and promotes geographic equity so businesses across the country may benefit from the 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.

Without this Government partnership, these investments are not going to be done. Particularly at a time when our economy is pressured and hurting, when we need to create jobs, I encourage my colleagues to support this bill. Last Congress, this bill came out of the Small Business Committee in a totally bipartisan fashion and it is my hope that this time we complete the process.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. LEVIN, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. 1834. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, today I introduce the Pet Safety and Protection Act of 2009. The legislation amends the Animal Welfare Act to ensure that all companion animals such as dogs and cats used by research facilities are obtained legally. I am pleased to be joined by a number of my colleagues, serving as cosponsors of the legislation including Senator SUSAN COLLINS, Senator FRANK LAUTENBERG, Senator CARL LEVIN, and Senator ROBERT MENENDEZ.

More than 40 years ago, Congress passed the Animal Welfare Act, AWA, to stop the mistreatment of animals and to prevent the unintentional sale of family pets for laboratory experiments. While the AWA has helped to safeguard animals across the country, we still find that the Act does not adequately provide pets and pet owners with reliable protection against the action of some unethical Class B dealers. Of the eleven Class B dealers licensed by the Department of Agriculture, USDA, to sell live dogs and cats for experimentation, one has been issued to a 5-year license suspension. and seven others are under investigation for apparent violations of the AWA.

Despite new enforcement guidelines and intensified inspection efforts by USDA, it is nearly impossible to assure that stolen or lost pets will not enter research laboratories via the Class B dealer system. Each year, hundreds of thousands of dollars are spent on regulating Class B dealers. Enactment of the Pet Safety and Protection Act helps reduce the Department of Agriculture's regulatory burden by allowing the Department to use its resources more efficiently and effectively. In order to combat any future violations of the AWA, this bill increases the penalties under the Act to a minimum of $1,000 per violation, in addition to any other existing penalties.

My legislation promotes humane treatment of animals and preserves the integrity of research laboratories to obtain animals from legitimate sources, while complying with the AWA. Such legitimate sources include USDA-licensed Class A dealers or breeders; municipal pounds that choose to release dogs and cats for research purposes; legitimate pet owners who want to donate their animals to research; and private and Federal facilities that breed their own animals. These four sources are capable of supplying millions of animals for research, far more cats and dogs than are required by current laboratory demand.

A May 2009 study conducted by the National Academies, ''Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research'' found that while some random-source dogs and cats may be necessary and desirable for research that is funded by the National Institute of Health, NIH, Class B dealers are not necessary to supply such animals for NIH funded research. Further this report makes clear that there are sufficient, alternative sources to acquire animals with characteristics similar to animals provided by Class B dealers. As there are legitimate sources of such animals, the report leave little doubt that Class B dealers are no longer necessary.

In light of this recent report, this bill is an appropriate and feasible action, as alternatives to Class B dealers do exist to meet research needs. This bill does not address the larger issue of whether animals should or should not be used in research facilities. In fact, this bill does not impair or impede research. Medical research is one of our primary tools in the discovery of new drugs and surgical techniques that help develop cures for life-threatening diseases and animal research has been, and continues to be, a fundamental part of scientific advancements. Instead, this legislation targets the unethical practice of selling stolen pets and stray animals to research facilities by ending the fraudulent practices of Class B dealers, as well as the unnecessary suffering of animals in their care. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANIMAL WELFARE INSTITUTE,
Washington, DC, October 19, 2009.

Hon. DANIEL AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: We want to thank you for reintroducing the Pet Safety and Protection Act. For too long, Class B dealers who sell dogs and cats to research laboratories have flouted the Animal Welfare Act, acquiring animals through theft and fraud, lying about the origins of the animals, and keeping them in inhumane conditions. Despite the hundreds of thousands of tax dollars that the U.S. Department of Agriculture spends trying to regulate Class B dealers, the agency cannot guarantee that dogs and cats are not being illegally acquired for use in experiments.

A May 2009 report from the National Academy of Sciences supports the position that this bill will not have an adverse impact on the conduct of research. In addressing the question of whether Class B dealers are needed to supply NIH-sponsored research with random source animals, the NAS concluded that they are not. It found that animals with similar qualities are available from alternative sources. ''The Committee therefore determined Class B dealers are not necessary

as providers of random source animals for NIH-related research.'' In fact, many researchers do not use Class B dealers to acquire dogs and cats, and it is time for the remainder who do to end their embarrassing association with these habitual violators of the law.

We are grateful to you for again taking on the important job of ensuring the safety of companion animals. We will do all that we can to achieve passage of this bill. Please contact me at 202–446–2121 or Lauren Silverman at the Humane Society of the U.S. if we can be of further assistance.

With much appreciation,

CATHY LISS,
President.

On behalf of: American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, Born Free USA Humane Society of the United States In Defense of Animals, International Fund for Animal Welfare Last Chance for Animals Massachusetts Society for the Prevention of Cruelty to Animals Physicians Committee for Responsible Medicine World Society for the Protection of Animals.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 315—RELATIVE TO THE DEATH OF CLIFFORD PETER HANSEN, FORMER UNITED STATES SENATOR FOR THE STATE OF WYOMING

Mr. ENZI (for himself, Mr. BARRASSO, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 315

Whereas Cliff Hansen worked as a cattle rancher and was inducted into the National Cowboy Hall of Fame as a ''Great Westerner;''

Whereas Cliff Hansen served as governor of the State of Wyoming from 1963–1967;

Whereas Cliff Hansen served the people of Wyoming with distinction in the United States Senate from 1967–1978; and

Whereas Cliff Hansen was the oldest former Senator at the time of his death: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Cliff Hansen, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Cliff Hansen.

SENATE RESOLUTION 316—CALLING UPON THE PRESIDENT TO ENSURE THAT THE FOREIGN POLICY OF THE UNITED STATES REFLECTS APPROPRIATE UNDERSTANDING AND SENSITIVITY CONCERNING ISSUES RELATED TO HUMAN RIGHTS, ETHNIC CLEANSING, AND GENOCIDE DOCUMENTED IN THE UNITED STATES RECORD RELATING TO THE ARMENIAN GENOCIDE, AND FOR OTHER PURPOSES

Mr. MENENDEZ (for himself and Mr. ENSIGN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 316

Resolved,

SHORT TITLE

SEC. 1. This resolution may be cited as the ''Affirmation of the United States Record on the Armenian Genocide Resolution''.

FINDINGS

SEC. 2. The Senate finds the following:

(1) The Armenian Genocide was conceived and carried out by the Ottoman Empire from 1915 to 1923, resulting in the deportation of nearly 2,000,000 Armenians, of whom 1,500,000 men, women, and children were killed, 500,000 survivors were expelled from their homes, and the elimination of the over 2,500-year presence of Armenians in their historic homeland.

(2) On May 24, 1915, the Allied Powers of England, France, and Russia, jointly issued a statement explicitly charging for the first time ever another government of committing ''a crime against humanity''.

(3) This joint statement stated that ''the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres''.

(4) The post-World War I Turkish Government indicted the top leaders involved in the ''organization and execution'' of the Armenian Genocide and in the ''massacre and destruction of the Armenians''.

(5) In a series of courts-martial, officials of the Young Turk Regime were tried and convicted, as charged, for organizing and executing massacres against the Armenian people.

(6) The chief organizers of the Armenian Genocide, Minister of War Enver, Minister of the Interior Talaat, and Minister of the Navy Jemal were all condemned to death for their crimes, but, the verdicts of the courts were not enforced.

(7) The Armenian Genocide and these domestic judicial failures are documented with overwhelming evidence in the national archives of Austria, France, Germany, Great Britain, Russia, the United States, the Vatican and many other countries, and this vast body of evidence attests to the same facts, the same events, and the same consequences.

(8) The United States National Archives and Record Administration holds extensive and thorough documentation on the Armenian Genocide, especially in its holdings under Record Group 59 of the United States Department of State, files 867.00 and 867.40, which are open and widely available to the public and interested institutions.

(9) The Honorable Henry Morgenthau, United States Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries, among them the allies of the Ottoman Empire, against the Armenian Genocide.

(10) Ambassador Morgenthau explicitly described to the Department of State the policy of the Government of the Ottoman Empire as ''a campaign of race extermination,'' and was instructed on July 16, 1915, by Secretary of State Robert Lansing that the ''Department approves your procedure . . . to stop Armenian persecution''.

(11) Senate Concurrent Resolution 12, 64th Congress, agreed to February 9, 1916, resolved that ''the President of the United States be respectfully asked to 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 the time were enduring ''starvation, disease, and untold suffering''.

(12) President Woodrow Wilson concurred and also encouraged the formation of the organization known as Near East Relief, chartered by the Act of August 6, 1919, 66th Congress (41 Stat. 273, chapter 32), which contributed some $116,000,000 from 1915 to 1930 to aid Armenian Genocide survivors, including 132,000 orphans who became foster children of the American people.

(13) Senate Resolution 359, 66th Congress, agreed to May 11, 1920, stated in part that ''the testimony adduced at the hearings conducted by the sub-committee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered''.

(14) The resolution followed the April 13, 1920, report to the Senate of the American Military Mission to Armenia led by General James Harbord, that stated ''[m]utilation, violation, torture, and death have left their haunting memories in a hundred beautiful Armenian valleys, and the traveler in that region is seldom free from the evidence of this most colossal crime of all the ages''.

(15) As displayed in the United States Holocaust Memorial Museum, Adolf Hitler, on ordering his military commanders to attack Poland without provocation in 1939, dismissed objections by saying ''[w]ho, after all, speaks today of the annihilation of the Armenians?'' and thus set the stage for the Holocaust.

(16) Raphael Lemkin, who coined the term ''genocide'' in 1944, and who was the earliest proponent of the United Nations Convention on the Prevention and Punishment of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century.

(17) The first resolution on genocide adopted by the United Nations at Mr. Lemkin's urging, the December 11, 1946, United Nations General Assembly Resolution 96(1), and the United Nations Convention on the Prevention and Punishment of Genocide recognized the Armenian Genocide as the type of