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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed 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

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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. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ 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 genocide 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 Saroyan, 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 multimission 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 conferenced 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 shoreside 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 improve 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 nonresident 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 lighthouses, 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. 2330 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 safety 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 measured. This bill furthermore authorizes the Coast Guard to lend, lease, and donate equipment and provide technical training to noncompliant 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 longstanding 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 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.

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 currently 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 modem threats that face this great Nation.

Compare this to an April 18th article in the St. Petersburg Times where Drug Enforcement 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 monopol 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 overregulation.

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 or 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.
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Sec. 610. Penalties.
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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.
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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.
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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 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age."

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

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

SEC. 204. COMMISSIONED OFFICERS.

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

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

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

"(b) DISTRIBUTION PERCENTAGES BY GRADE.—

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

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

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

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

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

"(c) COMPUTATIONS.—

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

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

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

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

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

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

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

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

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

(1) by striking paragraph (4);

(2) in paragraph (5)—

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

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

(C) by inserting at the end the following:

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

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

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

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

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

(B) by striking subsection (c).

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

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

(B) by striking paragraph (4); and

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

SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.

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

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

SEC. 207. EMERGENCY LEAVE RETENTION AUTHORITY.

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

''§ 426. Emergency leave retention authority

''With regard to a member of the Coast Guard who serves on active duty, a duty assignment in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be treated, for the purpose of section 701(f)(2) of title 10, a duty assignment in support of a contingency operation.''.

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

''426. Emergency leave retention authority.''.

SEC. 208. ENFORCEMENT AUTHORITY.

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

''§ 99. Enforcement authority

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

''(1) carry a firearm; and

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

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

''(B) seize property as otherwise provided by law.''.

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

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

''99. Enforcement authority.''.

SEC. 209. REPEAL.

Section 216 of title 14, United States Code, and the item relating to such section in the analysis for chapter 11 of such title, are repealed.

SEC. 210. 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 ''—''; and

(C) by adding at the end the following:

''(b) PROVISION OF DIRECTION AND GUIDANCE.—

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

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

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

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

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

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

SEC. 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 compliant.

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

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

''(A) in a timely fashion; and

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

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

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

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

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

''(3) the eventual resolution of each such matter.''.

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

''55. District Ombudsmen.''.

SEC. 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 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 cuapter is amended by adding at the end the folowing 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 subsection as the vessel being rebuilt or replaced.

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

''(2) RECOMMENDATIONS OF NORTH PACIFIC 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)''; and

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

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

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

(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''; and

(B) redesignating paragraph (8) as paragraph (7);

(2) in subsection (b)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking ''documented'';

(B) in paragraph (1)(A), by striking ''the Boundary Line'' and inserting ''3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes'';

(C) in paragraph (2)(B), by striking ''lifeboats or liferafts'' and inserting ''a survival craft that ensures that no part of an individual is immersed in water'';

(D) in paragraph (2)(D), by inserting ''marine'' before ''radio'';

(E) in paragraph (2)(E), by striking ''radar reflectors, nautical charts, and anchors'' and inserting ''nautical charts, and publications'';

(F) in paragraph (2)(F), by striking '', including medicine chests'' and inserting ''and medical supplies sufficient for the size and area of operation of the vessel'' and

(G) by amending paragraph (2)(G) to read as follows:

''(G) ground tackle sufficient for the vessel.'';

(3) by amending subsection (f) to read as follows:

''(f) To ensure compliance with the requirements of this chapter, the Secretary—

''(1) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills; and

''(2) shall examine at dockside a vessel described in subsection (b) at least 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 established for recreational vessels under section 4302, if—

''(1) subsection (b) of this section applies to the vessel;

''(2) the vessel is less than 50 feet overall in length; and

''(3) the vessel is built after January 1, 2008.

''(i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

''(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

''(i) in the case of vessel operators, meets the requirements of subsection (g); and

''(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

''(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

''(2) The Secretary shall award grants under this subsection on a competitive basis.

''(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

''(4) There is authorized to be appropriated $3,000,000 for each of fiscal years 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''; and

(C) by adding at the end the following:

''(c) This section applies to a vessel to which section 4502(b) of this title applies that—

''(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 continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

''(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.''.

(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 prescribed 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,'';

(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 included 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 Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commandant $1,800,000 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 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. 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''; and

(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 RECORDKEEPING.—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 is 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 discharging 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 technologies 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 guidance 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.

''(l) 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, 1983 (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;''; and

(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)''; and

(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, removing, 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''; and

(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 jointly 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 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 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 sectin 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 liquefied 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 employee 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 underway 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, technology, 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 casuality 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 Administrator shall submit a report containing the results of the study to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

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 sector 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 amendment 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 commonsense. 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 distinguish 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 o 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 attrition 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 creating 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, 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 gentlewoman from California (Ms. ZOE LOFGREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman 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 access 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 gentlewoman 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 hardworking 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 Committe 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 abut 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, hardworking 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 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
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)
Blumenauer
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
Delahunt
DeLauro
Dent
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
Foxx
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
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
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
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
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
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
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
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)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
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
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

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
Pascrell
Porter
Pryce (OH)
Rush
Ryan (WI)
Udall (NM)
Waxman
Weller

□ 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
Delahunt
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
Foxx
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
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
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
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
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
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)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
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)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—28

Alexander
Andrews
Blackburn
Blumenauer
Brown-Waite, Ginny
Burgess
Campbell (CA)
Cramer
Doggett
Everett
Faleomavaega
Feeney
Higgins
Hulshof
LaHood
Loebsack
Marshall
Nadler
Pascrell
Porter
Pryce (OH)
Radanovich
Reynolds
Rush
Ryan (WI)
Udall (NM)
Weller
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Approximately 2 minutes remain in this vote.

□ 1430

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. LOEBSACK. 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 $C0_2$ 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
Akin
Altmire
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Clay
Coble
Cohen
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Loebsack
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—208

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
Hall (NY)
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
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

Alexander
Andrews
Biggert
Blackburn
Brown-Waite, Ginny
Burgess
Campbell (CA)
Costello
Cramer
Doggett
Everett
Feeney
Higgins
Hulshof
LaHood
McNulty
Nadler
Pascrell
Porter
Pryce (OH)
Radanovich
Rush
Ryan (WI)
Slaughter
Udall (NM)
Weller
Wynn
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 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
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)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
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
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
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
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
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
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (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
Olver
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
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
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)
Tancredo

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
Pascrell
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 Nicholaus 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.

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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 increased 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 gasses 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 CO_2 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 result, 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 gentlewoman 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 gentleman 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 energy-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 tradeoff 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 developed 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 incurred 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 our own hemisphere and nation, the al Qaeda attacks pose a direct threat to the ever closer economic ties the United States seeks to built 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 smuggle 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 Afghan 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 murder'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 legitimate 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: legislation 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 nonpolitical 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 rachet 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 Mideast 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 National 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 counterproductive 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 the 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 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. Popps of Virginia to the Commission on Wartime Contracting.

Mr. Popps 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 Popps 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 Popps 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 reupped 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. Ironic 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 checkmated 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.

□ 1815

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. TANCREDO, 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 Nonattainment 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 Nonattainment 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 Sytems 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. BROUN 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. ROHRABACHER):

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. KUHL 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. SÁNCHEZ 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. INSLEE, 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. VISCLOSKY, 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. INSLEE.

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. INSLEE, Mr. FATTAH, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. STUPAK, Ms. LINDA T. SÁNCHEZ 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. ROHRABACHER.

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. 389: 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. TANCREDO, 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. SAXTON, 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. LATTA, 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. MCCRERY, 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. TANCREDO.

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	2,280,000
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
Subotal				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.