The Shark Conservation Act would end the practice of shark finning in U.S. waters.

However, domestic protections alone will not save sharks.

We need further safeguards to keep marine ecosystems and top predator populations healthy. The Shark Conservation Act will bolster the U.S.'s position when negotiating for increased international fishery protections.

Healthy shark populations in our waters can help drive our economy and make our seas thrive.

This bill is not just about preserving a species, but about preserving an ecosystem, an economy, and a sustainable future.

I urge all of my colleagues to vote in support of H.R. 81.

Mr. FARR. Madam Speaker, I rise today in support of the Senate Amendment to H.R. 81, The Shark Conservation Act of 2010. I am pleased that the Senate has taken up and passed this bill with so little time left in the 111th Congress, and I urge my colleagues to follow suit and vote "yes" to the Senate Amendment to H.R. 81 so that we can send this important piece of legislation to the President's desk.

This bill seeks to adopt important and necessary conservation measures for sharks. Specifically, and perhaps most importantly, the bill amends the High Seas Driftnet Fishing Moratorium Protection Act to prohibit shark-finning. Shark-finning is the removal of any fins of a shark (including the tail), and discarding the carcass of the shark at sea. The practice has egregious effects on shark populations worldwide and the fins remain in high demand for use in "shark fin soup"—an Asian delicacy. It is estimated that 73 million sharks are killed each year as a result of shark-finning. In short, this practice takes a tremendous toll on shark populations.

In addition, many shark species are threatened or endangered, making the conservation measures set forth by this bill timely and necessary. Sharks are one of the top predators in our oceans, and a loss in their population would lead to permanent and detrimental effects on the entire marine environment. The loss of top predators in the marine environment upsets the balance of our oceans, causing severe and sometimes irreversible consequences.

We take so much from our ocean, and yet give nothing back. Protecting and conserving its depleting resources should be a top priority because before long there will be nothing left to take.

For these reasons I urge my colleagues to vote "yes" on the Senate Amendment to H.R. 81.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, in closing, I urge all Members to support this bill.

In our last business before the House for the Natural Resources Committee this year, I would like to thank the gentleman from Washington for his cooperation in this bill, and for all of the opportunities that we have had to work together in this Congress. Moreover, I wish him good luck as the new chairman of the committee next year, and look forward to working with him in the next capacity.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 81.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DIESEL EMISSIONS REDUCTION ACT OF 2010

Mr. WAXMAN. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5809) to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Diesel Emissions Reduction Act of 2010''.

SEC. 2. DIESEL EMISSIONS REDUCTION PROGRAM.

(a) DEFINITIONS.—Section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) any private individual or entity that—

''(i) is the owner of record of a diesel vehicle or fleet operated pursuant to a contract, license, or lease with a Federal department or agency or an entity described in subparagraph (A); and

''(ii) meets such timely and appropriate requirements as the Administrator may establish for vehicle use and for notice to and approval by the Federal department or agency or entity described in subparagraph (A) with respect to which the owner has entered into a contract, license, or lease as described in clause (i).'';

(2) in paragraph (4), by inserting ''currently, or has not been previously,'' after ''that is not'';

(3) by striking paragraph (9);

(4) by redesignating paragraph (8) as paragraph (9);

(5) in paragraph (9) (as so redesignated), in the matter preceding subparagraph (A), by striking '', advanced truckstop electrification system,''; and

(6) by inserting after paragraph (7) the following:

''(8) STATE.—The term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

(b) NATIONAL GRANT, REBATE, AND LOAN PROGRAMS.—Section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) is amended—

*(1) in the section heading, by inserting ''**, REBATE,**'' after ''**GRANT**'';*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''to provide grants and low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities'' and inserting ''to provide grants, rebates, or low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities, including through contracts entered into under subsection (e) of this section,''; and

(B) in paragraph (1), by striking ''tons of'';

(3) in subsection (b)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''90'' and inserting ''95'';

(ii) in subparagraph (B)(i), by striking ''10 percent'' and inserting ''5 percent''; and

(iii) in subparagraph (B)(ii), by striking ''the application under subsection (c)'' and inserting ''a verification application'';

(4) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking paragraph (1) and inserting the following:

''(1) EXPEDITED PROCESS.—

''(A) IN GENERAL.—The Administrator shall develop a simplified application process for all applicants under this section to expedite the provision of funds.

''(B) REQUIREMENTS.—In developing the expedited process under subparagraph (A), the Administrator—

''(i) shall take into consideration the special circumstances affecting small fleet owners; and

''(ii) to avoid duplicative procedures, may require applicants to include in an application under this section the results of a competitive bidding process for equipment and installation.

''(2) ELIGIBILITY.—

''(A) GRANTS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

''(B) REBATES AND LOW-COST LOANS.—To be eligible to receive a rebate or a low-cost loan under this section, an eligible entity shall submit an application in accordance with such guidance as the Administrator may establish—

''(i) to the Administrator; or

''(ii) to an entity that has entered into a contract under subsection (e).'';

(C) in paragraph (3)(G) (as redesignated by subparagraph (A)), by inserting ''in the case of an application relating to nonroad engines or vehicles,'' before ''a description of the diesel''; and

(D) in paragraph (4) (as redesignated by subparagraph (A))—

(i) in the matter preceding subparagraph (A)—

(I) by inserting '', rebate,'' after ''grant''; and

(II) by inserting ''highest'' after ''shall give'';

(ii) in subparagraph (C)(iii)—

(I) by striking ''a diesel fleets'' and inserting ''diesel fleets''; and

(II) by inserting ''construction sites, schools,'' after ''terminals,'';

(iii) in subparagraph (E), by adding ''and'' at the end;

(iv) in subparagraph (F), by striking ''; and'' and inserting a period; and

(v) by striking subparagraph (G);

(5) in subsection (d)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting '', rebate,'' after ''grant''; and

(B) in paragraph (2)(A)—

(i) by striking ''grant or loan provided'' and inserting ''grant, rebate, or loan provided, or contract entered into,''; and

(ii) by striking ''Federal, State or local law'' and inserting ''any Federal law, except that this subparagraph shall not apply to a mandate in a State implementation plan approved by the Administrator under the Clean Air Act''; and

(6) by adding at the end the following:

''(e) CONTRACT PROGRAMS.—

''(1) AUTHORITY.—In addition to the use of contracting authority otherwise available to the

Administrator, the Administrator may enter into contracts with eligible contractors described in paragraph (2) for the administration of programs for providing rebates or loans, subject to the requirements of this subtitle.

''(2) ELIGIBLE CONTRACTORS.—The Administrator may enter into a contract under this subsection with a for-profit or nonprofit entity that has the capacity—

''(A) to sell diesel vehicles or equipment to, or to arrange financing for, individuals or entities that own a diesel vehicle or fleet; or

''(B) to upgrade diesel vehicles or equipment with verified or Environmental Protection Agency-certified engines or technologies, or to arrange financing for such upgrades.

''(f) PUBLIC NOTIFICATION.—Not later than 60 days after the date of the award of a grant, rebate, or loan, the Administrator shall publish on the website of the Environmental Protection Agency—

''(1) for rebates and loans provided to the owner of a diesel vehicle or fleet, the total number and dollar amount of rebates or loans provided, as well as a breakdown of the technologies funded through the rebates or loans; and

''(2) for other rebates and loans, and for grants, a description of each application for which the grant, rebate, or loan is provided.''.

(c) STATE GRANT, REBATE, AND LOAN PROGRAMS.—Section 793 of the Energy Policy Act of 2005 (42 U.S.C. 16133) is amended—

*(1) in the section heading, by inserting ''**, REBATE,**'' after ''**GRANT**'';*

(2) in subsection (a), by inserting '', rebate,'' after ''grant'';

(3) in subsection (b)(1), by inserting '', rebate,'' after ''grant'';

(4) by amending subsection (c)(2) to read as follows:

''(2) ALLOCATION.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), using not more than 20 percent of the funds made available to carry out this subtitle for a fiscal year, the Administrator shall provide to each State qualified for an allocation for the fiscal year an allocation equal to 1/53 of the funds made available for that fiscal year for distribution to States under this paragraph.

''(B) CERTAIN TERRITORIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands shall collectively receive an allocation equal to 1/53 of the funds made available for that fiscal year for distribution to States under this subsection, divided equally among those 4 States.

''(ii) EXCEPTION.—If any State described in clause (i) does not qualify for an allocation under this paragraph, the share of funds otherwise allocated for that State under clause (i) shall be reallocated pursuant to subparagraph (C).

''(C) REALLOCATION.—If any State does not qualify for an allocation under this paragraph, the share of funds otherwise allocated for that State under this paragraph shall be reallocated to each remaining qualified State in an amount equal to the product obtained by multiplying—

''(i) the proportion that the population of the State bears to the population of all States described in paragraph (1); by

''(ii) the amount otherwise allocatable to the nonqualifying State under this paragraph.'';

(5) in subsection (d)—

(A) in paragraph (1), by inserting '', rebate,'' after ''grant'';

(B) in paragraph (2), by inserting '', rebates,'' after ''grants'';

(C) in paragraph (3), in the matter preceding subparagraph (A), by striking ''grant or loan provided under this section may be used'' and inserting ''grant, rebate, or loan provided under this section shall be used''; and

(D) by adding at the end the following:

''(4) PRIORITY.—In providing grants, rebates, and loans under this section, a State shall use the priorities in section 792(c)(4).

''(5) PUBLIC NOTIFICATION.—Not later than 60 days after the date of the award of a grant, rebate, or loan by a State, the State shall publish on the Web site of the State—

''(A) for rebates, grants, and loans provided to the owner of a diesel vehicle or fleet, the total number and dollar amount of rebates, grants, or loans provided, as well as a breakdown of the technologies funded through the rebates, grants, or loans; and

''(B) for other rebates, grants, and loans, a description of each application for which the grant, rebate, or loan is provided.''.

(d) EVALUATION AND REPORT.—Section 794(b) of the Energy Policy Act of 2005 (42 U.S.C. 16134(b)) is amended—

(1) in each of paragraphs (2) through (5) by inserting '', rebate,'' after ''grant'' each place it appears;

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(7) in the last report sent to Congress before January 1, 2016, an analysis of the need to continue the program, including an assessment of the size of the vehicle and engine fleet that could provide benefits from being retrofit under this program and a description of the number and types of applications that were not granted in the preceding year.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 797 of the Energy Policy Act of 2005 (42 U.S.C. 16137) is amended to read as follows:

''SEC. 797. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $100,000,000 for each of fiscal years 2012 through 2016, to remain available until expended.

''(b) MANAGEMENT AND OVERSIGHT.—The Administrator may use not more than 1 percent of the amounts made available under subsection (a) for each fiscal year for management and oversight purposes.''.

SEC. 3. AUDIT.

(a) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Comptroller General of the United States shall carry out an audit to identify—

(1) all Federal mobile source clean air grant, rebate, or low cost revolving loan programs under the authority of the Administrator of the Environmental Protection Agency, the Secretary of Transportation, or other relevant Federal agency heads that are designed to address diesel emissions from, or reduce diesel fuel usage by, diesel engines and vehicles; and

(2) whether, and to what extent, duplication or overlap among, or gaps between, these Federal mobile source clean air programs exists.

(b) REPORT.—The Comptroller General of the United States shall—

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a copy of the audit under subsection (a); and

(2) make a copy of the audit under subsection (a) available on a publicly accessible Internet site.

(c) OFFSET.—All unobligated amounts provided to carry out the pilot program under title I of division G of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 814) under the heading ''MISCELLANEOUS ITEMS'' are rescinded.

SEC. 4. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by section 2 shall take effect on October 1, 2011.

(b) EXCEPTION.—The amendments made by subsections (a)(4) and (6) and (c)(4) of section 2 shall take effect on the date of enactment of this Act.

Amend the title so as to read: ''An Act to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

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

I urge my colleagues to vote in favor of H.R. 5809, an act to reauthorize the Diesel Emissions Reduction Act, or DERA. Since its enactment in 2005, DERA has provided significant public health benefits, improved our national energy security, and helped create jobs. Today's bill will authorize the continuation of this successful program for 2012 through 2016. It also slightly modifies the program to improve its effectiveness and administration.

Diesel engines are the workhorses of the economy. They are used to take students to school, to build roads and buildings, and to transport goods over roads, rails, and waterways. Diesel engines have long had a reputation for being dirty, but that reputation is changing. New diesel engines and vehicles must meet tough standards set by the Environmental Protection Agency. However, there are millions of older diesel engines now in use that have very high emissions, causing a number of public health and environmental problems, including premature death. These engines have long useful lives, up to 25 years, so absent incentives to clean them up, we will be suffering from their pollution for a long time.

DERA is designed to use voluntary partnership approaches to reduce pollution from these existing engines and vehicles. DERA authorizes EPA and the States to use loans and grants to help clean up existing dirty diesel engines and vehicles. Today's bill would also permit EPA to run rebate programs for clean diesel technology.

All 50 States and D.C. have established DERA programs. Today's bill would allow Puerto Rico, the Virgin Islands, American Samoa, and the Northern Mariana Islands to do the same. DERA projects have included retrofitting schoolbuses to reduce children's exposure to harmful air pollution, repowering locomotives used at seaports to save fuel and reduce emissions in the surrounding neighborhoods, and

replacing high-emitting construction equipment. Clean diesel funding has also been used to help small- and medium-sized trucking companies afford clean technologies.

I was pleased to see EPA's recent action stating a preference for programs for truckers that couple fuel conservation technology with emissions reduction technologies, including anti-idling technologies, over programs that only have fuel conservation provisions. This approach is consistent with the DERA program as amended by this bill.

DERA is delivering numerous benefits. EPA estimates that every $1 spent on clean diesel projects generates up to $13 of public health benefits. DERA also helps reduce our dependence on foreign oil. From projects funded in just the first year of the program, EPA estimates that the country will save more than 3.2 million gallons of fuel annually. This means that truckers and other diesel operators will spend $8 million less on fuel, and reduce their CO_2 emissions by 35,600 tons per year.

DERA also helps create jobs in the U.S. For every $500 million spent on diesel retrofit technology, DERA saves or creates on average almost 10,000 jobs. It also has facilitated the development of emerging cleaner technologies.

Given these benefits, it is not surprising that on November 9 a coalition of 538 companies and organizations representing manufacturing and business interests, environmental and health-based organizations, faith and labor groups, and State and local agencies wrote to House members to urge reauthorization of the Diesel Emissions Reduction Act, DERA. This reauthorization of DERA has strong bipartisan support, which has been a hallmark during its enactment and annually during the appropriations process.

Despite the significant benefits from DERA, today's bill sets the authorization level for 2012 through 2016 at half the level of that for 2007 through 2011. The authorizing level is being reduced so that it is more in line with the levels that are normally appropriated for this program.

□ 1030

It is not an indication that this Congress believes that the need for the program has decreased nor is it an indication that appropriated levels should be decreased. The Diesel Emissions Reduction Act has been a successful program that has widespread support and has produced significant benefits. I hope you will join me today in voting to reauthorize it.

I reserve the balance of my time.

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

Madam Speaker, it is somewhat ironic that here we are, almost poetic, like a line from a Robert Frost poem: on the shortest evening of the year, here we stand in the darkened wood, two roads diverge in front of us.

This Congress should be over. This Congress should have been over a month ago. But here we still are, continuing to pass legislation that is going to affect the lives of Americans well into this decade. And you have to ask yourself: Why is it that we are here doing this at this time?

Now, the bill before us is not necessarily bad policy. In fact, it was part of the Energy Policy Act of 2005. I voted in favor of that bill in 2005, and this reauthorizes a segment of it to deal with diesel emission reductions. And, all in all, it has been a good program.

The chairman is right; the amount of appropriations that are being authorized has been reduced from what was originally prescribed under the Energy Policy Act of 2005, and, all in all, that is a good thing. It is attributable to the fact that this has been a successful program and that its need going forward is less than what it was in 2005.

The chairman is also quite correct; diesel engines have a long life. They are a marvel of engineering. I have businesses in my district. Floyd McNeely, in my district in Fort Worth, runs a diesel refurbishing plant where he takes old run-out diesel engines and puts new life into them. Because of Environmental Protection Agency constraints, he can't sell them in this country but actually is able to sell them to countries in Central and South America, and they continue to perform good works, both in trucks and boats and other mechanical applications. Because of the long life of diesel engines, this program is indeed a reasonable one because it does reduce the diesel emissions from those engines that have been in use and provided gainful employment for a long period of time.

I am pleased the authorization was reduced. I am pleased that section 3 of this legislation before us authorizes a General Accounting Office study as to whether or not the authorization is even necessary going forward into the next period of authorization. It is important to make certain that this legislation stays on the right track.

Of course, as with many things in Washington, this legislation is supported by a broad coalition of environmental, science-based, public health, industry, and State and local government groups, all of which stand to benefit from this legislation. The American people, indeed, stand to benefit from this legislation because of the reduced amount of particulate emissions in older diesel engines.

But it still negates the fact that we shouldn't even be here in the first place. This Congress should have died a merciful death after being repudiated by the American people in the last election, and yet here we are, late into December, continuing to enact policies that are going to affect American lives well into this decade and probably decades beyond.

The American people spoke loudly with one voice and with extreme clarity on November 2 of this year. They said: Congress, stop. You've done enough damage. Go home and let us send new people to do the job.

Well, the new people are waiting in the wings, 80 freshmen on my side, ready to take the reins of power. Yet here we are at the 11th hour continuing to push policy across the floor. Whether it be good or bad policy at this point is not the point. The point is this Congress should have long ago gone home and wrapped up its business.

I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, we are paid until the end of the year. We are here to do our job. The American people said to work things out on a bipartisan basis. That is what we have done with this legislation.

I am pleased to yield 5 minutes to my good friend from southern California (Ms. RICHARDSON).

Ms. RICHARDSON. Madam Speaker, I rise today in support of the Senate amendments to H.R. 5809, the Senate version of the Diesel Emissions Reduction Act of 2010. As author of H.R. 6482, the House companion to the Senate bill, S. 3973, I urge my colleagues to join me in supporting this legislation.

I would argue that this legislation was not just brought up in the lame duck session. In fact, I have staff members here who worked a great deal of time with the Energy and Commerce Committee to bring forward this very thoughtful legislation. What this legislation will do is create jobs, save lives, and significantly improve the Nation's air quality system.

I wish to thank Chairman WAXMAN and Chairman MARKEY and their staffs for their support and everything they have done to make it possible to bring this bill to the floor. It is important. People's health is important, even today in a lame duck session. I also appreciate the efforts of Senator VOINOVICH and Senator CARPER in shepherding this bill through the Senate.

This legislation reauthorizes and extends DERA for an additional 5 years and includes several important modifications to expand the program and increase eligibility. DERA has proven to be successful, and this is why we are bringing this bill forward today, in reducing diesel emissions by upgrading and modernizing older diesel engines and equipment.

You might ask: Why is this important to me in my particular district and in California and in the Nation? Well, I'll tell you why. Our district is home to the two busiest container ports in the United States: the Port of Los Angeles and the Port of Long Beach. On average, 35,000 trucks commute to and from the ports daily, and by the year 2030 this number is expected to triple.

Those living along freight corridors in my district are already suffering from asthma and cancer rates far above the national average. Air quality improvement and reductions in emissions are vital to the quality of life and health for those who live along the goods movement corridors.

The immediate and long-term benefits of passing the DERA 2010 Act are substantial, both in my district and in the Nation. Additionally, the Diesel Emissions Reduction Act of 2010 provides economic incentives that all of our State and local governments need right now, with their private fleets that contract with State and local governments, to decrease emissions still while maintaining and expanding their levels of service.

Since DERA was funded back in 2007, more than 3,000 projects nationwide have benefited from this very program. The EPA has estimated that the program averages more than $13 in savings, yes, savings, in health and economic benefits for every $1 in funding, and this reauthorization even further emphasizes cost-effective programs. Moreover, projections estimate that nearly 2,000 lives will be saved by 2017 in direct relation to DERA's impact on air quality.

This legislation has been endorsed by leading environmental, health, and transportation organizations who have argued that DERA is an effective program that protects and creates American jobs.

I would like to include in the RECORD a letter supporting this legislation signed by over 500 leading environmental, health, and transportation organizations and companies.

Members in both Chambers and on both sides of the aisle have embraced this legislation. I urge my colleagues to support it again today.

November 9, 2010.

Hon. LAURA RICHARDSON,
House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN RICHARDSON: As a uniquely broad coalition of environmental, science-based, public health, industry, labor and state and local government groups, we are writing in support of efforts to reauthorize the Diesel Emission Reduction Act (DERA), scheduled to expire at the end of fiscal year 2011. The program has been extremely successful in providing cost-effective public health and environmental benefits.

Diesel-powered vehicles and equipment play an important role in the nation's economy and are getting cleaner every day. DERA, originally enacted in 2005 with overwhelming bipartisan support, was designed to reduce emissions from the 20 million existing diesel engines in use today by as much as 90 percent.

Since enactment, DERA has been successful from an economic, environmental and public health perspective, yielding one of the greatest cost-benefit ratios of any federal program, according to the Office of Management and Budget calculations. In a recent Report to Congress on the first year of the DERA program, the Environmental Protection Agency (EPA) estimates that for every dollar spent on the DERA program, an average of more than $20 in health benefits are generated. Every state in the nation now has a diesel retrofit program and benefits from DERA funding.

As a result of the program's success, DERA benefits from extensive broad-based support. Over 350 diverse companies and organizations from across the country have signed letters in support of DERA. In addition, the U.S. Conference of Mayors, the National Association of Counties and the National Conference of State Legislatures all adopted policies at their annual meetings this summer calling on Congress to reauthorize the Diesel Emissions Reduction Act. We encourage you to prioritize passage of this successful bi-partisan program the next time Congress is in session to ensure continued benefits for all.

We strongly support efforts to reauthorize the program for an additional five years at the current authorized level of funding along with a few modest changes. Changes proposed in draft legislation will make the program more effective by streamlining the grant process, improving EPA's administration, removing outdated language, and ensuring full consideration of the congressional policies and priorities established in the law.

We urge you to support efforts to reauthorize the Diesel Emission Reduction Act (DERA), by cosponsoring legislation once introduced, to ensure the continuation of this widely successful, cost effective program.

Sincerely,

Action for Regional Equity; Action United; AGC of Minnesota; AJC-Palm Beach County Regional Office; Alabama State Port Authority; Alban Tractor Company, Inc.; Albany Port District Commission, Alivio Medical Center; Allied Grape Growers; Almond Hullers & Processors Association; Alternatives for Community and Environment (ACE); Amalgamated Transit Union Local 241; American Association of Port Authorities (AAPA); American Lung Association; American Lung Association in Alabama; American Lung Association in Alaska; American Lung Association in Arizona; American Lung Association in Arkansas; American Lung Association in California; American Lung Association in Colorado.

American Lung Association in Connecticut; American Lung Association in DC; American Lung Association in Delaware; American Lung Association in Florida; American Lung Association in Georgia; American Lung Association in Hawaii; American Lung Association in Idaho; American Lung Association in Illinois; American Lung Association in Indiana; American Lung Association in Iowa; American Lung Association in Kansas; American Lung Association in Kentucky; American Lung Association in Louisiana; American Lung Association in Maine; American Lung Association in Maryland; American Lung Association in Massachusetts; American Lung Association in Michigan; American Lung Association in Minnesota; American Lung Association in Mississippi; American Lung Association in Missouri.

American Lung Association in Montana; American Lung Association in Nebraska; American Lung Association in Nevada; American Lung Association in New Hampshire; American Lung Association in New Jersey; American Lung Association in New Mexico; American Lung Association in New York; American Lung Association in North Carolina; American Lung Association in North Dakota; American Lung Association in Ohio; American Lung Association in Oklahoma; American Lung Association in Oregon; American Lung Association in Pennsylvania; American Lung Association in Rhode Island; American Lung Association in South Carolina; American Lung Association in South Dakota; American Lung Association in Tennessee; American Lung Association in Texas; American Lung Association in Utah; American Lung Association in Vermont; American Lung Association in Virginia.

American Lung Association in Washington; American Lung Association in West Virginia; American Lung Association in Wisconsin; American Lung Association in Wyoming; American Road & Transportation Builders Association; Appalachian Voices; Artic Breeze/Hammond Air Conditioning Limited; Associated California Loggers; Associated Equipment Distributors; Associated General Contractors of America (AGC); Associated General Contractors of Greater Milwaukee; Association of American Railroads; Association of Equipment Manufacturers; Asthma Regional Council; Atlanta Bicycle Coalition; Autotherm Division Enthal Systems Inc.; B.R. Williams, Inc.; Baltimore Nonviolence Center; BASF Catalyst LLC; Baumot North America, LLC.

Bay Area Air Quality Management District; Beaverton Schools Transportation; Beck Bus Transportation; Bell Associates International LLc; Beverly Unitarian Church; Bike Pittsburgh; Bikes Not Bombs; Blue Diamond Growers; Boston Climate Action Network (BostonCAN); Boston Healthy Homes and Schools Collaborative; Brattain International Trucks, Inc.; Breast Cancer Action Coalition; Breathe Clean Air Action Team (BCAAT, Inc.); Brett Hulsey, Dane County; Supervisor, District 4; California Association of Wheat Growers; California Cattlemen's Association; California Citrus Mutual; California Cotton Ginners Association; California Cotton Growers Association; California Dairy Campaign; California Farm Bureau Federation; California Grape & Tree Fruit League; California Partnership for the San Joaquin Valley, Air Quality Work Group; California Rice Commission.

California School Transportation Association; California Women for Agriculture; Campbell Maritime, Inc.; Canary Coalition; Capitol Underground, Inc.; Carolina Green Food Service Supply; Cascade Sierra Solutions—Coburg, OR Branch; Cascade Sierra Solutions—Fontana, CA Branch; Cascade Sierra Solutions—National; Cascade Sierra Solutions—Portland, OR Branch; Cascade Sierra Solutions—Sacramento, CA Branch; Cascade Sierra Solutions—Seattle, WA Branch; Catalytic Solutions, Inc.; Caterpillar Inc.; Center for Biological Diversity; Center for the Celebration of Creation (Philadelphia, PA); Central Valley Air Quality Coalition (CVAQ); Charlotte Area Bicycle Alliance.

Charlotte Energy Solutions; Chelsea Board of Health; Chelsea Collaborative, Inc; Chelsea Creek Action Group; Chelsea Green Space and Recreation Committee; Chesapeake Climate Action Network; Chestnut Ridge Transportation, Inc.; Chicago Area Clean Cities; Childhood Lead Action Project; Citizen Action/Illinois; Citizen Power; Citizens Against Ruining the Environment; Citizens Environmental Coalition; Citizens for Pennsylvania's Future (PennFuture); City of Pittsburgh; City of Westland, Michigan; Cleaire Advanced Emissions Controls; Clean Air Board of Central Pennsylvania; Clean Air Carolina; Clean Air Council.

Clean Air Partnership; Clean Air Task Force (CATF); Clean Air Watch; Clean Energy Coalition (MI); Clean Fuels Ohio; Clean New York; Clean Water Action—California; Clean Water Action—Chesapeake Region; Clean Water Action—Colorado; Clean Water Action—Connecticut; Clean Water Action—Florida; Clean Water Action—Michigan; Clean Water Action—National; Clean Water Action—Pennsylvania; Clean Water Action—Rhode Island; Clean Water Action—Texas; Clean Water Action Alliance of Massachusetts; Cleveland County Asthma Coalition (NC); Coalition for Responsible Transportation (CRT); Coalition of Labor, Agriculture and Business—Imperial.

Commuter Challenge; Connecticut Citizen Action Group; Constructors Association of Western Pennsylvania; Consulting for Health, Air, Nature, and a Greener Environment (CHANGE); Consumer Health Coalition; Corning Incorporated; Craufurd Manufacturing, LLC; Cummins Atlantic, LLC;

Cummins Bridgeway LLC; Cummins Cal Pacific, LLC; Cummins Crosspoint, LLC; Cummins Inc.; Cummins Mid-South, LLC; Cummins Northeast, LLC; Cummins Northwest, LLC; Cummins NPower LLC; Cummins Power South, LLC; Cummins Power Systems, LLC; Cummins Rocky Mountain, LLC; Cummins Southern Plains, LLC.

Cummins West, Inc.; DC Environmental Network; Dean Transportation; Deere & Company; Dell Transportation; Developing Communities Project; Diesel Technology Forum (DTF); Donaldson Company; Dorchester Environmental Health Coalition (DEHC); Dousman Transport Company, Inc.; Duluth Seaway Port Authority; Durham School Services LLC; E Global Solutions, Inc. (EGS); Earth Day Coalition; Earth Force, Inc.; Earthjustice; East Michigan Environmental Action Council; Eaton Corporation; ECO-Action; Ecology Center.

Ecumenical Ministry of Oregon; Educational Bus Transportation, Inc.; Emissions Control Technology Association (ECTA); Emisstar LLC; EnergyCel; EnergyXtreme; Engine Control Systems Limited; Engine Manufacturers Association (EMA); Environment Maryland; Environment North Carolina; Environment Northeast; Environment Ohio; Environment Oregon; Environment Rhode Island; Environmental Advocates of New York; Environmental Defense Fund; Environmental Health Fund; Environmental Health Watch (OH); Environmental Justice League of Rhode Island; Environmental Justice Partnership.

Environmental Law and Policy Center; Espar Heater Systems; Evangelical Diocese of the Northwest; Farmworker Association of Florida; First Student; FitzGerald Corp.; Foss Maritime Company; Fowler Bus Company, Inc.; Freight Wing Inc.; Fresno County Farm Bureau; Friends of the Earth; Friends of the Moshassuck (RI); GA Women's Actions for New Directions; Georgia Mining Association; Georgia Women's Action for New Directions (GA WAND); Gladstein, Neandross & Associates; Gordon Trucking, Inc.; Great Land Conservation Trust; Greater Four Corners Action Coalition (GFCAC); Greater Lansing Area Clean Cities; Green Communities Coalition.

Green Cycle Group—Northeastern Illinois University; Green Decade Cambridge; Green Medford (Medford, MA); Green Sanctuary Group; GreenLaw; Greenpeace; Groundwork Lawrence; Groundwork Somerville; Group Against Smog and Pollution (Pittsburgh); Growth Through Energy + Community Health (GTECH); Health Resources in Action, Inc.; Healthy Chicago Lawn Coalition; Healthy Schools Campaign; Hendrickson Bus Corporation; Hill District Consensus Group; Howard Brown Health Center; Huntington Breast Cancer Action Coalition; Huntington Coach Corporation; Idle Free Systems Inc.; Illinois Association of School Nurses.

Illinois Environmental Council; Illinois Maternal and Child Health Coalition; Illinois Public Health Association; Illinois Public Interest Research Group (PIRG); Illinois School Transportation Association; Imperial Valley Vegetable Growers Association; Inland Power Group (Butler, WI); Institute for Local Self-Reliance; InterMotive, Inc.; Interreligious Eco-Justice Network (Connecticut's Interfaith Power and Light); Jaco Transportation, Inc.; James Ginda, MA, RRT, AE–C, CHES; John Engen, Mayor—Missoula, Montana; Johnson Matthey, Inc.; Kern County Farm Bureau; Kings County Farm Bureau; Kobussen Buses Ltd.; Krapf Bus Companies; KyotoUSA; Lawrence Mayor's Health Task Force; Leadership Council of the Congregation of the Sisters, Servants of the Immaculate Heart of Mary; Leonardo Academy Inc.; Liqtech NA; LivableStreets Alliance.

M & M Bus Service, Inc.; M.A.Turbo/Engine Ltd.; MA Republicans for Environmental Protection; Madeline Island Ferry Line; Madera County Farm Bureau; Makah Tribe; Mankato Area Environmentalists; MANN+HUMMEL; Manufacturers of Emission Controls Association (MECA); Maryland Port Administration—Port of Baltimore; Maryland Public Interest Research Group (PIRG); Massachusetts Climate Action Network; Massachusetts Port Authority; Mattabeseck Audubon Society; McHenry Pressure Cleaning Systems; McLean Contracting Company; Mecklenburg County, NC, Board of County Commissioners; Merced County Farm Bureau; Metrolina Biofuels; Metropolitan Mayors Caucus Clean Air Counts Campaign.

Michigan Citizen Action; Michigan Environmental Council; Michigan Infrastructure & Transportation Association; Michigan Interfaith Power and Light; Michigan League of Conservation Voters; Middlesex Clean Air Association; Mid-Ohio Regional Planning Commission (MORPC); Minnesota Center for Environmental Advocacy; Minnesota Clean Water Action Alliance; Minnesota School Bus Operators Association; MIRATECH Corporation; Mississippi State Port Authority; Mobile Bay Audubon Society; Montana Association of Churches; Montana Public Health Association; Mothers & Others for Clean Air (GA); MTU Detroit Diesel Inc.; MV Student Transportation; National Association for Pupil; Transportation (NAPT); National Association of Clean Air Agencies (NACAA); National Association of Counties; National Association of Manufacturers.

National Association of State Directors of Pupil Transportation Services; National Association of Waterfront Employers (NAWE); National Ground Water Association; National School Transportation Association; Natural Resources Council of Maine; Natural Resources Defense Council (NRDC); Navistar, Inc.; NC Conservation Network; NC Pediatric Society; NC WARN; Near Northwest Neighborhood Network; Neighborhood of Affordable Housing (NOAH); Neighborhood Planning Unit H Health Committee; New Jersey Clean Cities Coalition; New Jersey Environmental Federation (State Chapter of Clean Water Action); New York Association for Pupil Transportation; New York Public Interest Research Group (NYPIRG); NGK Automotive Ceramics USA, Inc.; Nine Mile Run Watershed Association; Nisei Farmers League.

North Carolina State Ports Authority; Northeast Ohio Clean Fuels Program; Northeast States for Coordinated Air Use Management (NESCAUM); Northwest Environmental Defense Center; Nose Cone Mfg. Co.; Nuestras Raices; NxtGen Emission Controls USA Inc.; NY Student Xpress; Ocean State Action (RI); Ohio Contractors Association; Ohio Environmental Council; Ohio League of Conservation Voters; Ohio Network for the Chemically Injured; One Less Car; Oregon Department of Environmental Quality; Oregon Environmental Council; Oregon Interfaith Power and Light; Oregon Physicians for Social Responsibility; Oregon Toxics Alliance; Oregon Trucking Associations; Pace Energy and Climate Center; Pacific Merchant Shipping Association; Pacific Northwest Waterways Association (PNWA); Parallel Housing, Inc.

Pennsylvania Council of Churches; Petermann LTD; Physicians for Social Responsibility—Sacramento; Physicians for Social Responsibility—Tampa Bay; Pierce Coach Line, Inc.; Pilsen Environmental Rights & Reform Organization; Pioneer Valley AFL–CIO; Pioneer Valley Asthma Coalition; Pitt County Memorial Hospital—Pediatric Asthma Program; Pittsburgh Interfaith Impact Network; Pittsburgh Region Clean Cities; Pittsburgh UNITED; Port Authority of New York & New Jersey; Port Everglades; Port of Corpus Christi Authority; Port of Everett; Port of Houston Authority; Port of Long Beach; Port of Los Angeles; Port of Oakland; Port of Pittsburgh Commission.

Port of Portland (OR); Port of San Francisco; Port of Seattle; Port of Tacoma; Portland, CT Clean Energy Task Force; Portland-River Valley Garden Club; Prevention is the Cure, Inc. (Huntington, NY); Progress Michigan; R.I.C.H.T.E.R. Foundation; Rachel Carson Institute; Rachel's Friends Breast Cancer Coalition; Regional Air Pollution Control Agency; Regional Environmental Council of Central Mass; Renewable Energy Long Island (RELI); Republicans for Environmental Protection; Respiratory Health Association of Metropolitan Chicago; Retail Industry Leaders Association; Rhode Island Chapter—Interfaith Power and Light; Rhode Island Chapter of the Sierra Club; Rhode Island Committee on Occupational Safety and Health (RICOSH); Rhode Island Nurses Association; Rhode Island Society for Respiratory Care.

Riteway Bus Service, Inc.; RJ Corman Railroad Group; Robert Bosch LLC; Rolling V Bus Corp.; Rush Truck Center—Abilene (TX); Rush Truck Center—Albuquerque (NM); Rush Truck Center—Alice (TX); Rush Truck Center—Ardmore (OK); Rush Truck Center—Atlanta (GA); Rush Truck Center—Austin (TX); Rush Truck Center—Chandler (AZ); Rush Truck Center—Dallas (TX); Rush Truck Center—Denver (CO). Rush Truck Center—El Centro (CA); Rush Truck Center—El Paso (TX); Rush Truck Center—Escondido (CA); Rush Truck Center—Flagstaff (AZ); Rush Truck Center—Fontana (CA); Rush Truck Center—Fort Worth (TX); Rush Truck Center—Greeley (CO).

Rush Truck Center—Haines City (FL); Rush Truck Center—Houston (TX); Rush Truck Center—Jacksonville (FL); Rush Truck Center—Laredo (TX); Rush Truck Center—Las Cruces (NM); Rush Truck Center—Lufkin (TX); Rush Truck Center—Mobile (AL); Rush Truck Center—Nashville (TN); Rush Truck Center—Oklahoma City (OK); Rush Truck Center—Orlando (FL); Rush Truck Center—Pharr (TX); Rush Truck Center—Phoenix (AZ); Rush Truck Center—Pico Rivera (CA); Rush Truck Center—San Antonio (TX); Rush Truck Center—San Diego (CA); Rush Truck Center—Sealy (TX); Rush Truck Center—Sylmar (CA); Rush Truck Center—Tampa (FL); Rush Truck Center—Texarkana (TX); Rush Truck Center—Tucson (AZ); Rush Truck Center—Tulsa (OK); Rush Truck Center—Tyler (TX); Rush Truck Center—Waco (TX); Rush Truck Center—Winter Garden (FL); Rypos, Inc..

Sacramento Metropolitan Air Quality Management District; San Joaquin Farm Bureau Federation; San Joaquin Valley Air Pollution Control District; San Luis Obispo County Air Pollution Control District; Santa Barbara County Air Pollution Control District; School Bus, Inc.; Science and Environmental Health Network; SD Johnston Engineering Consultants; Service Employees International Union Local 23 BJ; Pittsburgh; Shadowood Technology Inc; Shorepower Technologies; Sierra Club—Allegheny Group; Sierra Club, Atlantic Chapter; Somerville Climate Action; South Carolina Coastal Conservation League; South Carolina State Ports Authority; South Coast Air Quality Management District; South Shore Clean Cities, Inc. (Northern Indiana); Southern Alliance for Clean Energy; Southern Environmental Law Center.

Southwest Detroit—South Dearborn Environmental; Collaborative; Southwest Detroit Clean Diesel Collaborative; Southwest Detroit Community Benefits Coalition; Southwest Detroit Environmental Vision; Spokane

Regional Clean Air Agency; Stanislaus County Farm Bureau; Starcrest Consulting Group, LLC; State of Wisconsin Office of Energy Independence; Sunrise Bus Company; Sunrise Southwest, LLC; Sunrise Transportation; Sustainable Conservation; Sustainable Energy Alliance of Long Island; Sustainable Englewood Initiatives; Sustainable Pittsburgh; Tacoma Rail; Tampa Port Authority; Tenneco, Inc.; Tennessee Citizens for Wilderness Planning.

Tennessee Environmental Council; Tennessee Interfaith Power and Light; The Construction Institute; The TransGroup, LLC; Thomas Built Buses, Inc.; Toxics Information Project; Triangle Clean Cities Coalition; Truck Manufacturers Association; Tulare County Farm Bureau; Umicore Autocat USA Inc.; Union County Environmental Health (NC); Union of Concerned Scientists; United Food and Commercial Workers Union Local 23; United Motorcoach Association; United States Chamber of Commerce; University of Maryland for Clean Energy; Utah Clean Cities Coalition; Village of Oak Park, Illinois; Virginia Port Authority; Vision Transportation Services, Inc.; Voices for Earth Justice; Volvo Group North America.

Wake County Asthma Coalition; Washington State Department of Ecology; Western MA Jobs with Justice; Western Massachusetts Coalition for Occupational Safety and Health; Western N.C. Physicians for Social Responsibility; Western States Petroleum Association; Western United Dairymen; WI. Engine Manufacturers & Distributors Alliance; WIH Resource Group; Wisconsin Clean Cities—Southeast Area, Inc.; Women for a Healthy Environment; Women's Voices for the Earth; Yakima Regional Clean Air Agency; Yancey Power Systems; Zeeland Public Schools.

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

Madam Speaker, I would only point out, certainly I have no objection to working. In fact, in my prior life as a physician I worked many Christmases, many New Years, many Fourth of Julys, Mothers Days, and Veterans Days. But the fact is here we are at the 11th hour, probably on the next to the last day before this Congress dies a merciful death, and here we are passing legislation that, in fact, we have not had a hearing on in our committee. We have not had a markup on this legislation in our committee.

Several of us in the room right now are members of the Energy and Commerce Committee. I argue passionately during our committee hearings and markups that it is probably the committee with the most expertise in the whole United States Congress, and yet we didn't have a hearing to ask the simple question: Okay. We passed this legislation as part of the Energy and Policy Act in August of 2005 when it was signed into law by then President Bush. How has it done? How has it worked out? Has it performed as requested?

I can't argue the fact that this isn't a good proposal. I voted for it in 2005. I suspect it is a good proposal. But wouldn't it have been great to have a hearing, to have a markup? But, instead, we bring this bill to the floor at the 11th hour right before this Congress is to adjourn, thankfully, for the last time, and Members are expected to vote on it up or down. It is a travesty to do things in this way, and I hope things will change for the better in the next Congress.

Ms. MATSUI. Madam Speaker, I rise today in support of legislation that I introduced, along with Congresswoman RICHARDSON, which would reauthorize the Diesel Emissions Reduction Act, DERA, to fund the modernization of diesel engines through retrofits.

Countless studies have shown that diesel emissions are one of the most significant health risks to Americans. More specifically, the Environmental Protection Agency, EPA, has linked these emissions to premature death, aggravation of symptoms associated with asthma, and numerous other health impacts every year.

To address this problem, in 2005, Congress enacted the Diesel Emissions Reduction Act, which established a five-year voluntary national and state-level grant and loan program to reduce diesel emissions, protect public health, and help states meet air quality standards of the Clean Air Act.

Retrofitting diesel engines provides enormous environmental benefits, yet before this program was implemented, there were few direct economic incentives for vehicle and equipment owners to do so. The financial incentives provided by DERA support voluntary rather than regulatory efforts to assist states meet current air quality standards. Reauthorization of this critical program, which cleans up more than 14,000 diesel-powered vehicles and equipment annually, would strengthen our ongoing efforts to reduce pollution, create additional demand for clean diesel technology, and employ thousands of workers who manufacture, sell or repair diesel vehicles and their components.

It is for these reasons that the DERA program, which averages more than $13 in health and economic benefits for every $1 invested according to the EPA, needs to be reauthorized.

I would be remiss if I did not recognize Senators VOINOVICH and CARPER for authoring the DERA reauthorization program in the Senate, and to commend them for their outstanding leadership on this important issue. Their legislation served as the counterpart to the measure we introduced in the House of Representatives.

H.R. 5089, which was unanimously approved by the other chamber, has garnered the support of a broad coalition of more than 530 environmental, public health, industry and labor stakeholders.

In closing, I urge my colleagues to join me in improving America's air quality by upgrading and modernizing older diesel engines by voting in favor of H.R. 5089.

Mrs. CHRISTENSEN. Madam Speaker, I rise in support of S. 3973, the reauthorization of the Diesel Emissions Reduction Act, a successful program that I strongly believe will make a major difference in lowering energy costs for consumers in all territories.

I am pleased that the program includes entities in the smaller territories, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and the U.S. Virgin Islands for the first time.

While we are not at the level that we need, we pledge to fight for better inclusion in the future and do recognize that this is an important first step for the territories, which rely considerably on fossil fuels, including diesel.

As the country transitions to a clean energy economy, I am sure that we all can agree that it is only fitting that all jurisdictions under the U.S. flag are able to take part in national and state diesel emissions reduction grant and loan programs. Though the Energy Policy Act of 2005 has achieved much in ensuring that states qualify for grant and loan programs, geared towards reducing diesel emissions—today's reauthorization of the DERA will go a long way to ensure that all U.S. citizens are able to tap into the resources necessary to relieve the burdens associated with the combustion of dirty fossil fuels.

Reducing emissions from diesel engines is one of the most important air quality challenges facing the U.S. and its territories. Though it is undeniable that diesel engines have proven to be an invaluable resource over the years, it is high time that we reevaluate our over dependence on this fuel source—and look towards more sustainable alternatives.

As we are all aware, these engines emit large amounts of nitrogen oxides, particulate matter and air toxins, resulting in serious public health concerns.

Much of our heavy machinery and school buses are operated by diesel engines that do not meet EPA's clean diesel standards. Extension of the diesel emission reduction provisions will not only help to further current commitments to reduce air pollution but will make great strides in protecting our communities' health and that of future generations. Inclusion of all the territories in the DERA reauthorization would provide our jurisdictions with the opportunity to access currently unavailable resources necessary to retrofit existing equipment and implement new emissions control technologies.

At this time I would applaud the authors of this bill and thank Chairman WAXMAN and Energy and Commerce Committee staff for their leadership in ensuring that the territories are included in this important bill. I would also like to recognize the CNMI, Guam, American Samoa and Puerto Rico delegations for their tireless efforts on this issue as well.

Mr. MARKEY of Massachusetts. Madam Speaker, I rise in support of the Diesel Emission Reduction Act of 2010. This bill would reauthorize the extremely successful Diesel Emission Reduction Act, known as "DERA", enacted as part of the Energy Policy Act of 2005 and administered by the Environmental Protection Agency. Since its creation the DERA program has provided Federal grants and loans to support more than 3,000 projects to retrofit diesel engines to reduce pollution. The emissions reductions achieved by DERA have resulted in over $600 million in public health benefits so far. The program has provided over $13 in health and economic benefits for every $1 spent on retrofits, and has created or sustained nearly 9,000 jobs since Fiscal Year 2008.

The legislation now before us would reauthorize the DERA program through Fiscal Year 2016 and would make a number of important improvements. Notably it would allow EPA to establish a rebate program, alongside the existing grant and loan program. It would also allow private entities under contract with a non-profit or government to apply directly for funding, instead of limiting the program to government entities. These improvements will help this program to continue to clean our air and protect public health from diesel pollution.

This is a bipartisan bill championed by Senators CARPER and VOINOVICH and deserves our support. I urge a ''yes'' vote.

Mr. JOHNSON of Georgia. Madam Speaker, I rise in support of 5809, the Diesel Emissions Reduction Act. This legislation will reauthorize an important program that establishes a voluntary national and state-level grant and loan program to reduce emissions from existing diesel engines through clean diesel retrofits.

This reauthorization is particularly important for the citizens of my home State of Georgia who face the 15th highest risk of premature death due to diesel soot, when compared to the lower 48 states. According to the Clean Air Task Force, diesel soot in Atlanta leads to 335 premature deaths, over 14 thousand asthma attacks, and over 250 cases of chronic bronchitis. The cancer risk of breathing diesel soot in Atlanta is 442 times the EPA's acceptable cancer level of 1 in a million. These figures are appalling and unacceptable.

The Diesel Emissions Reduction Act has supported the cleanup of diesel engines throughout Georgia and every state in the union. Passage of this bill will improve health outcomes and save on health care costs across the country and that is why I urge my colleagues to vote yes.

□ 1040

Mr. BURGESS. As the gentleman knows, I can talk on this until my time has expired, but in the interest of comity and the spirit of the season and peace on Earth, good will toward men, I will yield back the balance of my time.

Mr. WAXMAN. Notwithstanding the fact the gentleman yielded back his time, I want to now use the remainder of mine, but I won't, even though I could, but in the interest of comity and good will, I won't complain, I won't go on, I will simply yield back my time and urge Members to support this worthwhile piece of legislation, which is now being, hopefully, passed for the second time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5809.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DEFENSE LEVEL PLAYING FIELD ACT

Mr. INSLEE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6540) to require the Secretary of Defense, in awarding a contract for the KC–X Aerial Refueling Aircraft Program, to consider any unfair competitive advantage that an offeror may possess.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6540

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Defense Level Playing Field Act''.

SEC. 2. CONSIDERATION OF UNFAIR COMPETITIVE ADVANTAGE IN EVALUATION OF OFFERS FOR KC–X AERIAL REFUELING AIRCRAFT PROGRAM.

(a) REQUIREMENT TO CONSIDER UNFAIR COMPETITIVE ADVANTAGE.—In awarding a contract for the KC–X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall, in evaluating any offers submitted to the Department of Defense in response to a solicitation for offers for such program, consider any unfair competitive advantage that an offeror may possess.

(b) REPORT.—Not later than 60 days after submission of offers in response to any such solicitation, the Secretary of Defense shall submit to the congressional defense committees a report on any unfair competitive advantage that any offeror may possess.

(c) REQUIREMENT TO TAKE FINDINGS INTO ACCOUNT IN AWARD OF CONTRACT.—In awarding a contract for the KC–X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall take into account the findings of the report submitted under subsection (b).

(d) UNFAIR COMPETITIVE ADVANTAGE.—In this section, the term ''unfair competitive advantage'', with respect to an offer for a contract, means a situation in which the cost of development, production, or manufacturing is not fully borne by the offeror for such contract.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. INSLEE) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. INSLEE. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

We have another great bipartisan success today, at the closing day of our Congress, and I want to thank Representatives LARSEN, BLUNT, TIAHRT, MORAN, and MCDERMOTT for bringing this bipartisan bill to the floor. This bill is the Defense Level Playing Field Act, which will incorporate in standalone legislation an amendment we adopted with huge bipartisan support previously by a vote of 410–8 on the defense authorization bill.

This bill is very important to bring a level of fairness and competitiveness from a job creation perspective to the tanker contract, which is now one of the largest procurement contracts in American history, a $35 billion contract providing for 179, and ultimately 400, aerial refueling planes, which will replace the Eisenhower-era tankers, which is so critical to our Nation's skeleton and backbone of our Nation's defense.

I note the basic thrust of this bill is to make sure that in our procurement process that we have fairness—fairness both to the law and fairness to the American workers, who are so successful. And one of the bidders we hope to be so successful with is the Boeing 767 platform, which will be fully capable of continuing the tradition of American provision of the very backbone of our American fleet and providing our tankers.

I want to make four points about what this bill will do. Basically, what this bill will do is require the Defense Department to take into consideration any unfair competitive advantage of any of the bidders in this contract. What basically this bill will do is require that the Pentagon take into consideration any unfair competitive advantage enjoyed by either of the bidders, Boeing or the Airbus consortium, and that is defined as costs of development, production, or manufacturing that are not fully borne by the offeror of any such contract.

Obviously, what gave rise to this amendment was the fact that we have found that there were over $5 billion of illegal, unfair competitive advantage that has been enjoyed by one of the contractors, the Airbus consortium.

But I want to make four points about what our bill does. Number one, our bill basically says that we need a fair competition. We are happy to compete as Americans. We love competition. We're happy to compete, but we need to do it on a level playing field. And this bill is very fair because it says that any unfair competitive advantage of either of the bidders needs to be taken into consideration in this bill. We love competition, but it needs to be fair.

Second, this bill is fair to both sides, Boeing and Airbus, America and Europe, because it requires an unfair competitive advantage from either bidder to be taken into consideration. And it is WTO-compliant. We were careful to draft the bill with that in mind.

Third, this is an enormous contract, and there have been enormous unfair competitive advantages bestowed on one of the bidders—frankly, Airbus. The $5 billion of illegal subsidies that we have found come out to somewhere between 27 and $5 million an airplane. This is an extraordinarily unfair advantage that one of the bidders has been given, and we need to take that into consideration.

Fourth, the job importance of this issue cannot be overstated. It is estimated that 62,000 jobs could hang in the balance if we allow these illegal subsidies not to be remedied in this procurement contract. American workers have built the best airplanes. They're ready to do it. And we're not going to allow tens of thousands of jobs to be lost based on illegal subsidization by our friends in Europe.

Now we have standalone legislation. We look forward to giving the Senate every opportunity to act on this.

With that, I reserve the balance of my time.