

“(d) COMPENSATION.—Voting members of the panel shall be reimbursed for actual and reasonable expenses, such as travel and per diem, incurred in the performance of such duties.”.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 307 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), as redesignated by section 2, is amended to read as follows:

#### “SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Administrator sums as may be necessary for each of fiscal years 2008 through 2012 for the purposes of carrying out this Act.”.

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.

### NOAA LAND SALE

Mr. RAHALL. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5350) to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located Norfolk, Virginia, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

On page 4, after line 20, insert:

*Notwithstanding any other provision of law, the Secretary of Commerce, through the Under Secretary and Administrator of the National Oceanic and Atmospheric Administration (NOAA), is authorized to enter into a land lease with Mobile County, Alabama for a period of not less than 40 years, on such terms and conditions as NOAA deems appropriate, for purposes of construction of a Gulf of Mexico Disaster Response Center facility, provided that the lease is at no cost to the government. NOAA may enter into agreements with state, local, or county governments for purposes of joint use, operations and occupancy of such facility.*

Mr. RAHALL (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from West Virginia?

There was no objection.

A motion to reconsider was laid on the table.

### 50TH ANNIVERSARY OF THE FIRST VERTICAL ASCENT OF THE FACE OF EL CAPITAN IN YOSEMITE NATIONAL PARK

Mr. RAHALL. Madam Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the resolution (H. Res. 1474) recognizing the 50th anniversary of the first vertical ascent of the face of El Capitan in Yosemite National Park and honoring the historic climbing feat of

the original climbing team, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1474

Whereas November 12, 2008, will mark the 50th anniversary of the first vertical ascent of the face of El Capitan in Yosemite National Park;

Whereas in 1890 Yosemite National Park was established as the third National Park of the United States;

Whereas Yosemite National Park is commonly referred to as “The Crown Jewel of the National Park System;”

Whereas Yosemite National Park is recognized as the “Climbing Mecca” of the world;

Whereas El Capitan is the world's tallest free-standing granite monolith, with a summit elevation of 7,569 feet above sea level;

Whereas Wayne Merry, George Whitmore, and Warren J. Harding, the original climbing team, with the assistance of Wally Reed, Allen Steck, Bill “Dolt” Feuerer, Mark Powell, John Whitmer, Rich Calderwood, and the ground support team of Bea Vogel and Ellen Searby, completed the first vertical ascent of the face of El Capitan on November 12, 1958;

Whereas the first vertical ascent of the face of El Capitan was accomplished on the Nose Route, recognized as one of the most famous climbing routes in the world;

Whereas November 8, 1958, marks the date when the final push towards the summit of El Capitan was spurred on due to deteriorating weather conditions;

Whereas the first vertical ascent of the face of El Capitan was accomplished in 47 days in expedition style;

Whereas the first vertical ascent of the face of El Capitan was accomplished by the original climbing team using fixed ropes that linked established camps along the way;

Whereas the original climbing team relied heavily on aid climbing, using rope, pitons, and expansion bolts to make it to the summit;

Whereas thousands of rock climbers have reached the summit of El Capitan since 1958 using the identical Nose Route; and

Whereas on November 8, 2008, there will be an event in Yosemite National Park celebrating the 50th anniversary of the first vertical ascent of the face of El Capitan: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the 50th anniversary of the momentous first vertical ascent of the face of El Capitan in Yosemite National Park; and

(2) honors the historic climbing feat of the original climbing team.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### EXTENDING AUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

Mr. RAHALL. Madam Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of

the bill (H.R. 7017) to amend Public Law 100-573 to extend the authorization of the Delaware Water Gap National Recreation Area Citizen Advisory Commission, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 7017

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

#### SECTION 1. EXTENDED AUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

Section 5 of Public Law 100-573 (16 U.S.C. 460a note) is amended to read as follows:

#### “SEC. 5. TERMINATION OF COMMISSION.

“The Commission shall terminate on the date that is 1 year after the date of the enactment of this Act.”.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Madam Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. RAHALL:

On page 2, line 3, strike “1 year” and insert “21 years”.

Mr. RAHALL (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### FEMA ACCOUNTABILITY ACT OF 2007

Mr. RAHALL. Madam Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the Senate bill (S. 2382) to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense, 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 West Virginia?

There was no objection.

The text of the Senate bill is as follows:

S. 2382

*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 “FEMA Accountability Act of 2007”.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) more than 19,000 mobile homes and travel trailers sit unused at the storage site in Hope, Arkansas;

(2) the Federal Emergency Management Agency spends \$25,000 each month to store the unused manufactured homes in Hope, Arkansas;

(3) the Federal Emergency Management Agency spends in excess of \$3,000,000 each year to store unused manufactured homes at 15 storage sites across the country;

(4) these manufactured housing units were purchased to aid disaster victims during the 2005 hurricane season;

(5) it is anticipated that the number of unused mobile homes and trailers could continue to increase as residents find permanent housing;

(6) many of these manufactured homes are now severely damaged or may contain potentially harmful levels of formaldehyde; and

(7) the Federal Emergency Management Agency has had ample time to assess the need for on-hand manufactured housing.

**SEC. 3. STORAGE, SALE, TRANSFER, AND DISPOSAL OF HOUSING UNITS.**

(a) **IN GENERAL.**—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this section referred to as the “Administrator”) shall complete an assessment of the number of manufactured housing units it finds necessary to stock to respond to disasters occurring after the date of enactment of this Act.

(b) **PLAN.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), not later than 6 months after the date of enactment of this Act, the Administrator shall establish a well developed plan for permanently storing manufactured housing units necessary to stock, selling or transferring usable surplus units, and disposing of unusable units.

(2) **EXCEPTION.**—

(A) **IN GENERAL.**—If the Administrator submits to Congress a written certification that the Administrator is unable to determine the safe level of exposure to formaldehyde for purposes of travel trailers, the Administrator may exclude from the plan under paragraph (1) any travel trailer that the Administrator determines may contain formaldehyde.

(B) **DURATION.**—The authority to exclude travel trailers under this paragraph shall terminate on the date on which the Administrator of the Environmental Protection Agency promulgates regulations regarding exposure levels for formaldehyde that are applicable to travel trailers.

(c) **IMPLEMENTATION.**—Not later than 9 months after the date of enactment of this Act, the Administrator shall implement the plan described in subsection (b).

(d) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the status of the distribution, sale, transfer, or disposal of unused manufactured housing units.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Madam Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. RAHALL:

Strike all after the enacting clause and insert the following:

**SECTION 1. STORAGE, SALE, TRANSFER, AND DISPOSAL OF HOUSING UNITS.**

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of FEMA.

(2) **EMERGENCY; MAJOR DISASTER.**—The terms “emergency” and “major disaster” have the meanings given such terms in section 102 of the Stafford Act (42 U.S.C. 5122).

(3) **FEMA.**—The term “FEMA” means the Federal Emergency Management Agency.

(4) **HAZARD.**—The term “hazard” has the meaning given such term in section 602 of the Stafford Act (42 U.S.C. 5195a).

(5) **USABLE CONDITION.**—The term “usable condition” means, with respect to a temporary housing unit, a temporary housing unit that provides a safe and sanitary living condition.

(6) **STAFFORD ACT.**—The term “Stafford Act” means the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) **NEEDS ASSESSMENT; ESTABLISHMENT OF CRITERIA.**—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) complete an assessment to determine the number of temporary housing units purchased by FEMA that FEMA needs to maintain in stock to respond appropriately to emergencies or major disasters occurring after the date of enactment of this Act; and

(2) establish criteria for determining whether the individual temporary housing units stored by FEMA are in usable condition.

(c) **PLAN.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a plan for—

(A) storing the number of temporary housing units that the Administrator has determined under subsection (b)(1) that FEMA needs to maintain in stock;

(B) selling, transferring, donating, or otherwise disposing of the temporary housing units in the inventory of FEMA, as of the date of enactment of this Act, that—

(i) are in excess of the number of temporary housing units that the Administrator has determined under subsection (b)(1) that FEMA needs to maintain in stock; and

(ii) are in usable condition, based on the criteria established under subsection (b)(2); and

(C) disposing of the temporary housing units in the inventory of FEMA that the Administrator determines are not in usable condition, based on the criteria established under subsection (b)(2).

(2) **IMPLEMENTATION.**—Not later than 9 months after the date of enactment of this Act, the Administrator shall implement the plan established under paragraph (1).

(d) **APPLICABILITY OF DISPOSAL REQUIREMENTS.**—

(1) **IN GENERAL.**—Any sale, transfer, donation, or disposal of a temporary housing unit under the plan established under subsection (c)(1) shall be subject to the requirements of section 408(d)(2) of the Stafford Act (42 U.S.C. 5174(d)(2)) and other applicable provisions of law.

(2) **EXCEPTION.**—Notwithstanding paragraph (1), the Administrator may sell, transfer, donate, or otherwise make available temporary housing units in usable condition in the inventory of FEMA, as of the date of enactment of this Act, to States, other governmental entities, and voluntary organizations for the purpose of providing temporary housing to victims of incidents caused by hazards that do not result in a declaration of a major disaster or emergency by the President, if the Governor of the affected State certifies that there is an urgent need for the temporary housing units and that the State is unable to provide the temporary housing units in a timely manner.

(3) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to affect section 689k of the Post-

Katrina Emergency Management Reform Act of 2006 (120 Stat. 1456). For purposes of that section, a disposal of a temporary housing unit under subsection (d)(2) shall be treated as a disposal to house individuals or households under section 408 of the Stafford Act (42 U.S.C. 5174).

(e) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate a report on the status of the distribution, sale, transfer, donation, or other disposal of the unused temporary housing units purchased by FEMA.

**SEC. 2. SPECIAL RULES FOR COVERED HURRICANE DAMAGES.**

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **COVERED HURRICANE DAMAGES.**—The term “covered hurricane damages” means damages suffered in the States of Louisiana and Mississippi as a result of Hurricanes Katrina and Rita.

(2) **PRESIDENT.**—The term “President” means the President acting through the Administrator of the Federal Emergency Management Agency.

(3) **STAFFORD ACT.**—The term “Stafford Act” means the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) **IN LIEU CONTRIBUTIONS.**—In providing contributions under section 406(c) of the Stafford Act (42 U.S.C. 5172(c)) for covered hurricane damages, the President shall substitute 90 percent for the otherwise applicable percentage specified in paragraphs (1)(A) and (2)(A) of such section.

(c) **ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.**—

(1) **IN GENERAL.**—Notwithstanding section 423 of the Stafford Act (42 U.S.C. 5189a) or any regulation, the President is authorized and encouraged to use alternative dispute resolution procedures for appeals of decisions made under sections 403, 406, and 407 of the Stafford Act (42 U.S.C. 5179b, 5172, and 5173) regarding the award or denial of assistance, or the amount of assistance, provided to a State, local government, or owner or operator of a private facility for covered hurricane damages.

(2) **DENIALS OF REQUESTS.**—

(A) **WRITTEN NOTICE.**—If a State, local government, or owner or operator of a private facility requests the use of alternative dispute resolution procedures for an appeal pursuant to paragraph (1) and the President denies the request, the President shall provide to the State, local government, or owner or operator written notice of the denial, including the reasons for the denial.

(B) **QUARTERLY REPORTS.**—The President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, on at least a quarterly basis, a report containing information on any denial described in subparagraph (A) made by the President during the period covered by the report, including the reasons for the denial.

(3) **APPLICABILITY.**—Paragraph (1) shall apply to an appeal made by a State, local government, or owner or operator of a private facility within 60 days after the date on which the State, local government, or owner or operator is notified of the decision that is the subject of the appeal.

(4) **REPORT TO CONGRESS.**—Not later than one year after the date of enactment of this Act, the President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the

Committee on Homeland Security and Governmental Affairs of the Senate a report containing a description of how alternative dispute resolution procedures are being used pursuant to this subsection and recommendations on whether the President should be given the authority to use such procedures under the Stafford Act on a permanent basis.

(d) **USE OF SIMPLIFIED PROCEDURES.**—For covered hurricane damages, the President may use, if requested by a State or local government or the owner or operator of a private nonprofit facility, section 422 of the Stafford Act (42 U.S.C. 5189) for a project for which the Federal estimate of the cost is less than \$100,000.

(e) **STATUS REPORT.**—Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the status of recovery for the States of Louisiana and Mississippi from Hurricanes Katrina and Rita.

### SEC. 3. CASE MANAGEMENT.

The President may provide services or assistance under section 426 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189d) for victims of any major disaster relating to Hurricane Katrina or Hurricane Rita.

### SEC. 4. INDIVIDUAL ASSISTANCE FACTORS.

In order to provide more objective criteria for evaluating the need for assistance to individuals and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than one year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48 of title 44, Code of Federal Regulations, to measure the severity, magnitude, and impact of a disaster.

Mr. RAHALL (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

The amendment was agreed to.

Mr. ROSS. Madam Speaker, I rise today to express my support for the passage of the House amendment to S. 2382, the FEMA Accountability Act of 2008.

I want to thank Chairman OBERSTAR and Ranking Member MICA of the Transportation and Infrastructure Committee for all of their hard work on this bill. I also want to thank Senator MARK PRYOR, who introduced the Senate version of this bill and whom I have worked tirelessly with to ensure that this critical legislation becomes law.

Last year, I introduced H.R. 4830, the House version of this legislation which would require FEMA to quickly and fairly address the abundance of surplus temporary housing units stored by the Federal Government across the Nation at taxpayer expense. My bill would require FEMA to devise a plan to distribute the excess temporary housing units being stored around the country that have been deemed safe and ready to be used.

The legislation specifically gives the agency 3 months to determine the number of housing

it needs on hand to shelter future disaster victims; 6 months to provide a plan to permanently store the units it plans to keep, sell usable surplus units and dispose the rest; 9 months to implement its plan, and one year to report the status to Congress.

Families all over the Nation are in desperate need of housing. However, as many of you know many of the manufactured homes and travel trailers purchased by FEMA for use in Hurricane Katrina are still sitting unused in FEMA staging areas around the country. In my congressional district alone, FEMA is storing over 7,000 brand new, fully furnished, never before used manufactured homes in Hope, Arkansas.

These manufactured homes were originally purchased for Hurricane Katrina victims, but never made it to them. Instead, they have been sitting idly by in Hope since 2005. Since that time, many other natural disasters have occurred where temporary housing units were desperately needed by those who lost their homes.

However, it is my hope that the passage of this bill today will make FEMA recognize the continuing need to change this and deliver these homes to families all over the nation that desperately need them.

Mr. MICA. Madam Speaker, I rise in support of S. 2382, the FEMA Accountability Act of 2008, which would enable the Federal Emergency Management Agency (FEMA) to better manage the thousands of excess trailers in its inventory since Hurricane Katrina.

First, I would like to thank Chairman OBERSTAR and Subcommittee Chairwoman NORTON for working with me in a bipartisan manner to make an important revision to this bill.

I would also like to thank Congressman MIKE ROSS from Arkansas who has been working with me to cleanup FEMA's trailer mess for several years now.

In 2006 and 2007, several neighborhoods in our districts were devastated by tornados, and numerous families were left homeless.

After the Christmas Day 2006 tornados in my district it took almost 2 months to receive a federal disaster declaration and authorization for housing assistance. In the meantime my constituents had no place to turn for help after the temporary shelters closed.

At one point I had half a dozen of my congressional committee lawyers and FEMA lawyers on the telephone trying to figure out how FEMA could take a few of the hundreds of excess trailers it had stored near Orlando and use them to house these homeless tornado victims.

Ultimately we received a federal disaster declaration and several trailers before FEMA could figure out how to make some of its excess trailers available without a federal disaster declaration.

In Congressman Ross's case, his district was never declared a federal disaster area after several tornados struck his district, and it took months for FEMA to come up with a way to transfer excess trailers to the State and help his homeless tornado victims.

The ridiculous part of this story is that FEMA had over 60,000 excess trailers at the time and it was spending over \$3 million a year to store them in 17 storage areas across the country.

In typical government fashion, the taxpayer spent almost a billion dollars on trailers after Hurricane Katrina. Tens of thousands of them

were never used. And FEMA was unable to provide them to states to house homeless tornado victims.

In response to this mess, Congressman ROSS and I introduced legislation to provide FEMA authority to transfer excess trailers to state and local governments and voluntary disaster relief organizations to house disaster victims even if a federal disaster has not been declared.

These are trailers that FEMA does not need for its own purposes and that FEMA is spending millions of dollars a year to store and maintain.

I am pleased we were able to include language addressing this problem in the bill we are approving today.

Again let me thank Chairman OBERSTAR and Subcommittee Chairwoman NORTON for working with me in a bipartisan manner, and I urge my colleagues to support this bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of S. 2382, as amended, to require the Administrator of the Federal Emergency Management Agency ("FEMA") to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country.

S. 2382, as amended, addresses a number of critical disaster recovery issues related to FEMA. I thank the gentleman from Arkansas (Mr. ROSS), the sponsor of H.R. 4830, the House companion measure to S. 2382, for his critical support for this legislation.

S. 2382 addresses an ongoing consequence of the response to Hurricanes Katrina and Rita. As a result of stockpiling trailers in the aftermath of these devastating storms, FEMA owns a large number of trailers and other temporary housing units that the agency is not using and may never need. Some of these units have never been used.

S. 2382 requires FEMA to assess the number of temporary housing units necessary to meet requirements for major disasters and emergencies under the Stafford Act. FEMA is also required to establish a plan for storing the units that the agency needs, and disposing of those trailers that it does not need. S. 2382 provides FEMA with the flexibility to provide these excess trailers to state and local governments to house victims of incidents caused by hazards that do not result in a Federally-declared major disaster or emergency, provided that the Governor of an affected State certifies that there is an urgent need for the housing.

S. 2382, as amended, also includes some common-sense provisions from H.R. 3247, the "Hurricanes Katrina and Rita Recovery Facilitation Act of 2007", which passed by the House on October 29, 2007, and provides specific relief for problems associated with recovery efforts from Hurricanes Katrina and Rita. The bill authorizes changes made to the public assistance program under the Stafford Act that only apply retroactively to the recovery efforts from those devastating storms. These provisions include an increase in the Federal contribution for alternate projects from the current level of 75 percent to 90 percent, thereby allowing communities to rebuild their facilities in the most efficient manner possible. The bill also allows state and local governments to use alternate dispute resolution to solve some of the most difficult and lingering issues in the recovery from these storms. To help expedite the recovery, S. 2382 also allows FEMA to use a simplified procedure

under which small projects are permitted to proceed based on estimates. The bill increases the ceiling for small projects to \$100,000, an increase from the current level of \$55,000. Finally, S. 2382 requires FEMA to expeditiously report back to Congress on the status of its recovery efforts from these storms.

S. 2382, as amended, also includes a provision from H.R. 3247, as reported by the Senate Committee on Homeland Security and Government Affairs, that authorizes FEMA to provide case management services to citizens impacted by Hurricanes Katrina and Rita. It is unfortunate that some citizens still require these services as they struggle to recover three years after these storms.

The bill further requires FEMA to review, update, and revise, through rulemaking, the factors considered in making recommendations for the assistance to individuals and families under the Stafford Act as provided in 44 CFR 206.48. State and local governments have expressed concerns about the lack of clarity in these regulations, which they use to gauge when to seek assistance from the Federal Government.

I thank the gentleman from Florida (Mr. MICA), Ranking Member of the Committee on Transportation and Infrastructure, for working with me on this bipartisan amendment to S. 2382, and I strongly support its passage.

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.

#### HONORING THE HERITAGE OF THE COAST GUARD

Mr. RAHALL. Madam Speaker, I ask unanimous consent to take from the Speaker's table House Resolution 1382 and ask for its immediate consideration.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

##### H. RES. 1382

Whereas the Coast Guard, including its predecessor organizations, has a long and distinguished heritage dating back to the very first Congress in 1789;

Whereas the Coast Guard is now in its 219th year of protecting the coast, saving life and property, protecting the environment, and ensuring the safety of life and property at sea;

Whereas the Coast Guard and its predecessor organizations have been responsible for safe navigation since Congress—

(1) authorized “the necessary support, maintenance and repairs of all lighthouse, beacons, buoys”, and specifically authorized the construction of the first Federal lighthouse at the mouth of the Chesapeake Bay, on August 7, 1789; and

(2) established the Lighthouse Board on October 9, 1852;

Whereas the Coast Guard and its predecessor organizations have, since September 1, 1789, been responsible for registering (documenting) vessels of the United States;

Whereas the Coast Guard and its predecessor organizations have protected the

coast since Congress authorized the President to build and equip ten revenue cutters, on August 4, 1790, which were to be paid for from “duties on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels”;

Whereas the Coast Guard and its predecessor organizations have inspected vessels since Congress adopted, on July 7, 1838, an Act “to provide better security of the lives of passengers on board of vessels propelled in whole or in part by steam”, thus beginning the Steamboat Inspection Service;

Whereas the Coast Guard and its predecessor organizations have conducted lifesaving operations along our coasts since Congress first appropriated funding for lifesaving equipment for the use of volunteers on August 14, 1848, the first lifesaving stations were authorized on June 20, 1874, and the Life-Saving Service was established by Act of Congress on June 19, 1878;

Whereas the Coast Guard and its predecessor organizations have had “superintendence of all commercial marine and merchant seamen of the United States . . .”; been “charged with the supervision of the laws relating to the admeasurement of vessels, and the assigning of signal letters thereto, and designating their official number . . .”; and “annually prepare and publish a list of vessels of the United States . . .” since Congress established Shipping Commissioners on June 7, 1872, and established the Bureau of Navigation on July 5, 1884;

Whereas the Revenue Cutter Service and the Life-Saving Service were merged, by Act of Congress signed into law on January 28, 1915, to form the Coast Guard as an agency of the Department of the Treasury;

Whereas the Lighthouse Service became part of the Coast Guard on July 1, 1939, as part of a government reorganization plan adopted by Congress on April 3, 1939;

Whereas the Bureau of Marine Inspection and Navigation (a merger of the Steamboat Inspection Service and the Bureau of Navigation) became part of the Coast Guard in another reorganization in July 1946;

Whereas the Coast Guard was transferred from the Department of the Treasury to the newly established Department of Transportation on April 1, 1967; and

Whereas the Coast Guard was transferred to the newly established Department of Homeland Security in March 2003: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes and honors all the men and women of the Coast Guard and its predecessor organizations since August 7, 1789.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### BROADBAND DATA IMPROVEMENT ACT

Mr. MARKEY. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1492) to improve the quality of Federal and State data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation, 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 West Virginia?

There was no objection.

The text of the Senate bill is as follows:

S. 1492

*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 “Broadband Data Improvement Act”.

##### SEC. 2. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

##### SEC. 3. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING FCC BROADBAND DATA.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall issue an order in WC docket No. 07–38 which shall, at a minimum—

(1) revise or update, if determined necessary, the existing definitions of advanced telecommunications capability, or broadband;

(2) establish a new definition of second generation broadband to reflect a data rate that is not less than the data rate required to reliably transmit full-motion, high-definition video; and

(3) revise its Form 477 reporting requirements to require filing entities to report broadband connections and second generation broadband connections by 5-digit postal zip code plus 4-digit location.

(b) EXCEPTION.—The Commission shall exempt an entity from the reporting requirements of subsection (a)(3) if the Commission determines that a compliance by that entity with the requirements is cost prohibitive, as defined by the Commission.

(c) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 nt) is amended—

(1) by striking “regularly” in subsection (b) and inserting “annually”;

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

“(c) MEASUREMENT OF EXTENT OF DEPLOYMENT.—In determining under subsection (b) whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the Commission shall consider data collected using 5-digit postal zip code plus 4-digit location.

“(d) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall, using 5-digit postal zip code plus 4-digit location information, compile a list of geographical areas that are not served by