

**DISCLOSURE OF EARMARKS AND CONGRESSIONALLY
DIRECTED SPENDING ITEMS**

The following table is submitted in compliance with clause 9 of rule XXI, and lists the congressional earmarks (as defined in paragraph (e) of clause 9) contained in the bill or in this report. Neither the bill nor the report contain any limited tax benefits or limited tariff benefits as defined in paragraphs (f) or (g) of clause 9 of rule XXI.

TITLE II—MILITARY CONSTRUCTION, FOREIGN OPERATIONS, AND OTHER MATTERS

Agency	Account	Project	Amount	Requester
Coast Guard	General Provision	Concerning a certificate of documentation for the Drydock Alabama		Bonner, Jo
Coast Guard	General Provision	Concerning a certificate of documentation for the vessel Maryland Independence		Ruppersberger, C.A. Dutch

FY 2009

Supplemental Appropriations

Title II

Certification Letters

JO BONNER
1ST DISTRICT, ALABAMA

ASSISTANT REPUBLICAN WHIP

REPUBLICAN STUDY COMMITTEE

SERVING BALDWIN, CLARKE,
ESCAMBIA, MOBILE, MONROE AND
WASHINGTON COUNTIES

Congress of the United States

House of Representatives

Washington, DC 20515

March 31, 2009

APPROPRIATIONS
SUBCOMMITTEES:
COMMERCE, JUSTICE, SCIENCE
LABOR, HEALTH AND HUMAN SERVICES,
EDUCATION

ETHICS
RANKING MEMBER

ALAN C. SPENCER
CHIEF OF STAFF

The Honorable David R. Obey, Chairman
Committee on Appropriations
H-218, The Capitol
Washington, D.C. 20515

The Honorable Jerry Lewis, Ranking Member
Committee on Appropriations
H-218, The Capitol
Washington, D.C. 20515

Dear Chairman Obey and Ranking Member Lewis:

I am requesting bill language in the FY10 Homeland Security bill, US Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement account for the Drydock ALABAMA relocation clarification.

The entity to benefit from the requested bill language is Atlantic Marine Alabama, LLC., Main Gate, Dunlap Dr., Mobile, AL 36602.

It is my understanding that the language would be used to:

Create 350 U.S. shipyard jobs without appropriating a single dollar. Atlantic Marine, a company with shipyards in Florida and Alabama (and more recently in Mississippi, Pennsylvania and Massachusetts), owns the drydock ALABAMA. A drydock is a piece of floating construction equipment used to raise and lower ships. The ALABAMA has been moored at Atlantic Marine's Mobile, Alabama facility for over fifteen years after it was purchased from another U.S. shipyard that acquired it over a quarter of a century ago from a foreign manufacturer.

Atlantic Marine is currently constructing three "Jones Act" ships for a Texas-based customer that will use the ships to transport petroleum. The Jones Act requires all "vessels" that move from one point in the U.S. to another to be built in the U.S., as well as crewed and owned by U.S. citizens. To safely launch these ships, Atlantic Marine must move the ship on to the drydock ALABAMA. The drydock containing the newly constructed ship must then be shifted less than 100 yards to an adjacent pier within the shipyard to launch the ship.

Unfortunately, Customs and Border Patrol (CBP) recently determined that this incidental movement of a foreign-built drydock within the shipyard violates the Jones Act, leaving the shipyard without a viable method of launching the ships. This interpretation by CBP is clearly not within the commonly understood attributes of the Jones Act. It is debatable whether a drydock is a "vessel", and the determination of moving the drydock from one pier in a shipyard to another pier in the same shipyard constitutes two points in the U.S. is questionable. Indeed, this provision is supported by the maritime labor unions, longstanding supporters of the Jones Act. In addition, the Maritime Cabotage Task Force (MCTF), the organization tasked with supporting and defending the Jones Act, has no objection to this provision.

This provision (a Jones Act waiver for the drydock ALABAMA) will create 350 shipyard jobs and the newly constructed Jones Act ships (once launched) will be crewed by 225 U.S. merchant mariners, all without any cost of the taxpayer.

I certify that neither I nor my spouse has any direct and foreseeable financial interest in this request.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request: (1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable. I further certify that should this request be included in the bill, I will place a statement in the *Congressional Record* describing how the funds will be spent (or language will be used) and justifying the use of federal taxpayer funds.

Sincerely,

A handwritten signature in black ink that reads "Jo Bonner". The signature is written in a cursive style with a large, stylized initial "J".

Jo Bonner
Member of Congress

C.A. DUTCH RUPPERSBERGER
2ND DISTRICT, MARYLAND

REPLY TO:

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WASHINGTON, DC 20515
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THE ATRIUM

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Congress of the United States
House of Representatives
Washington, DC 20515-2002

COMMITTEE ON APPROPRIATIONS

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CHAIRMAN

TERRORISM, HUMAN INTELLIGENCE, ANALYSIS,
AND COUNTERINTELLIGENCE
OVERSIGHT AND INVESTIGATIONS

April 3, 2009

The Honorable David R. Obey, Chairman
Committee on Appropriations
H218, The Capitol
Washington, D.C. 20515

The Honorable Jerry Lewis, Ranking Member
Committee on Appropriations
H218, The Capitol
Washington, D.C. 20515

Dear Chairman Obey and Ranking Member Lewis:

I am requesting language for the Maryland Independence in Fiscal Year 2010. The entity to receive a waiver for this project is the Maryland Independence LLC, located at 2100 Aliceanna Street, Baltimore, Maryland, 21230. This languugae will grant a Jones Act Waiver for the Maryland Independence.

I certify that neither I nor my spouse has any financial interest in this project.

Sincerely,


C.A. Dutch Ruppensberger
Member of Congress

CADR:bwg