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of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, FRIDAY, MAY 15, 2009

No. 75

## Senate

The Senate was not in session today. Its next meeting will be held on Monday, May 18, 2009, at 2 p.m.

## House of Representatives

FRIDAY, MAY 15, 2009

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 15, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Rev. Msgr. Stephen J. Rossetti, St. Luke's Institute, Silver Spring, Maryland, offered the following prayer:

Good and gracious God, each new day is a beginning. Each day is Your gift to us to begin again, to change our lives and our hearts, to strive once more to change the face of this Nation and this Earth.

Each day may we move one step closer to making this world fully alive in Your image, a vision of compassion, love, forgiveness, truth and peace. May we follow Your way, which is the only path to You.

Thank You for the gift of this day, the gift of life, and the final gift of being fully alive in You.

We make this prayer in God's name. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the House Amendment with an Amendment; Agreed to the House Amendment to the title of the bill:

S. 386. An act to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 454) "An Act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes," agrees to a conference asked by the House on

the disagreeing votes of the two Houses thereon, and appoints Messrs. LEVIN, KENNEDY, BYRD, LIEBERMAN, REED, AKAKA, NELSON (FL), NELSON (NE), BAYH, WEBB, Mrs. McCASKILL, Mr. UDALL (CO), Mrs. HAGAN, Messrs. BEGICH, BURRIS, MCCAIN, INHOFE, SESSIONS, CHAMBLISS, GRAHAM, THUNE, MARTINEZ, WICKER, BURR, VITTER, and Ms. COLLINS, to be the conferees on the part of the Senate.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Monday next for morning-hour debate.

There was no objection.

Accordingly (at 1 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, May 18, 2009, at 12:30 p.m., for morning-hour debate.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1841. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1842. A letter from the Special Inspector General for Afghanistan Reconstruction,

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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transmitting the April 2009 Quarterly Report on reconstruction efforts in Afghanistan, pursuant to Public Law 110-181; to the Committee on Foreign Affairs.

1843. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending March 31, 2009, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

1844. A letter from the Acting Director, Executive Office of the President Office of National Drug Control Policy, transmitting the Office's report entitled, "Fiscal Year 2008 Performance Summary Report and the Fiscal Year 2008 Accounting of Drug Control Funds", pursuant to Public Law 105-277, Div. C-Title VII, section 705(d); to the Committee on Oversight and Government Reform.

1845. A letter from the Acting Architect of the Capitol, Office of the Inspector General, transmitting the Office's Semiannual Report for the period October 1, 2008 through March 31, 2009; to the Committee on Oversight and Government Reform.

1846. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's report for the third quarter of 2008 on settlements by the United States with Nonmonetary Relief Exceeding \$2 Million, pursuant to Public Law 107-273, section 202(a)(1)(c); to the Committee on the Judiciary.

1847. A letter from the Attorney Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waters surrounding Berth 7 at the Port of Oakland, San Francisco Bay, CA [Docket No.: USCG-2009-0278] (RIN: 1625-AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1848. A letter from the Attorney Coast Guard, Office of Regulations and Administrative Law (CG-0943), Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Volvo Ocean Race 2009, Nahant, Boston Harbor, Massachusetts. [Docket No.: USCG-2008-1268] (RIN: 1625-AA08) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1849. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas: Herbert C. Bonner Bridge, Oregon Inlet, NC [Docket No.: USCG-2009-0225] (RIN: 1625-AA11) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1850. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; San Diego Bay, San Diego, CA [Docket No.: USCG-2009-0044] (RIN: 1625-AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1851. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Intracoastal Waterway (ICW), Beach Thoroughfare, Atlantic City, NJ [USCG-2008-0995] (RIN: 1625-AA09) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1852. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jordan Bridge Demolition, Elizabeth River, Chesapeake and Portsmouth, VA [Docket No.: USCG-2009-0217] (RIN: 1625-

AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1853. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World Spring Nights; Mission Bay, San Diego, California [Docket No.: USCG-2009-0154] (RIN: 1625-AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1854. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Subject: Safety Zone, Red River, Minnesota [Docket No.: USCG-2009-0240] (RIN: 1625-AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1855. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Keweenaw Waterway, Houghton, MI [Docket No.: USCG-2009-0132] (RIN: 1625-AA09) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1856. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; April to May Naval Underwater Detonation; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0222] (RIN: 1625-AA00) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Rutland, VT [Docket No.: FAA-2008-1076; Airspace Docket No. 08-ANE-102] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1275; Directorate Identifier 2007-NM-167-AD; Amendment 39-15892; AD 2009-09-06] (RIN: 2120-AA64) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No.: FAA-2008-1239; Directorate Identifier 2008-NM-131-AD; Amendment 39-15894; AD 2009-09-08] (RIN: 2120-AA64) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No.: FAA-2008-1327; Directorate Identifier 2008-NM-161-AD; Amendment 39-15859; AD 2009-06-22] (RIN: 2120-AA64) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Russellville, AL. [Docket No.: FAA-2008-1094; Airspace Docket No. 08-ASO-18] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1070; Directorate Identifier 2008-NM-087-AD]; Amendment 39-15893; AD 2009-09-07] (RIN: 2120-AA64) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Clewiston, FL. [Docket No.: FAA-2008-1168; Airspace Docket No. 08-ASO-19] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1864. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Special Requirements for Private Use Transport Category Airplanes [Docket No.: FAA-2007-28250, SFAR No. 109] (RIN: 2120-A161) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1865. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace; Albemarle, NC [Docket No.: FAA-2009-0203; Airspace Docket No. 09-ASO-12] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1866. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace; Albemarle, NC [Docket No.: FAA-2009-0203; Airspace Docket No. 09-ASO-12] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1867. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Communication and Area Navigation Equipment (RNAV) Operations in Remote Locations and Mountainous Terrain [Docket No.: FAA-2002-14002; Amendment Nos. 91-306 and 135-110] (RIN: 2120-AJ46) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1868. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Emission Standards for Turbine Engine Powered Airplanes [Docket No.: FAA-2009-0112; Amendment No. 34-4 (RIN: 2120-AJ41) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30663 Amdt. No 3318] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1870. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Propellers Model 568F Propellers [Docket No.: FAA-2009-0270; Directorate Identifier 2008-NE-30-AD; Amendment 39-15865; AD 2009-07-06] (RIN: 2120-AA64) received April 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1871. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ten Sleep, WY [Docket No.: FAA-2008-1129; Airspace Docket No. 08-ANM-7] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1872. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ten Sleep, WY [Docket No.: FAA-2008-1129; Airspace Docket No. 08-ANM-7] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1873. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of the Atlantic High and San Juan Low Offshore Airspace Areas; East Coast, United States [Docket No.: FAA-2008-1259; Airspace Docket No. 08-ASO-1] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1874. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — General Jurisdiction Over Freight Forwarder Service [Docket No. FMCSA-1997-2290] (RIN: 2126-AA25) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1875. A letter from the Representative Tim Murphy, 18-PA and Representative Neil Abercrombie, 1-HI, transmitting draft legislation for H.R. 2227, the "American Conservation and Clean Energy Independence Act of 2009"; jointly to the Committees on Natural Resources, Oversight and Government Reform, Energy and Commerce, Ways and Means, Science and Technology, Transportation and Infrastructure, Education and Labor, the Budget, Rules, and the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 2352. A bill to amend the Small Business Act, and for other purposes; with an amendment (Rept. 111-112). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. JACKSON-LEE of Texas (for herself, Mr. PAYNE, Ms. KILPATRICK of

Michigan, Mr. HOLDEN, Mr. DAVIS of Illinois, and Mr. MEEKS of New York):

H.R. 2450. A bill to require non-Federal prisons and correctional facilities holding Federal prisoners under a contract with the Federal Government to make the same information available to the public that Federal prisons and correctional facilities are required to make available; to the Committee on the Judiciary.

By Mr. FATTAH:

H.R. 2451. A bill to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes; to the Committee on Education and Labor.

By Mr. NEAL of Massachusetts (for himself, Mr. TIBERI, Mr. PASCRELL, Mr. DAVIS of Alabama, Ms. BEAN, and Mr. HODES):

H.R. 2452. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself and Mr. WAMP):

H.R. 2453. A bill to provide for a national biological data center, and for other purposes; to the Committee on Natural Resources.

By Mr. WAXMAN (for himself and Mr. MARKEY of Massachusetts):

H.R. 2454. A bill to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, Financial Services, Education and Labor, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H. Res. 449. A resolution of inquiry requesting the President to provide certain documents in his possession to the House of Representatives relating to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare; to the Committee on Energy and Commerce.

#### MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

48. The SPEAKER presented a memorial of the 61st Legislative Assembly for the State of North Dakota, relative to SENATE CONCURRENT RESOLUTION NO. 4021 urging Congress to recognize the need for United States Department of Agriculture inspection and regulation of horse processing facilities in the United States; to the Committee on Agriculture.

49. Also, a memorial of the 61st Legislative Assembly for the State of North Dakota, relative to SENATE CONCURRENT RESOLUTION NO. 4020 urging Congress to preserve the exemption of hydraulic fracturing from the provisions of the Safe Drinking Water Act and to not enact legislation that removes the exemption for hydraulic fracturing; to the Committee on Energy and Commerce.

50. Also, a memorial of the 61st Legislative Assembly for the State of North Dakota, relative to SENATE CONCURRENT RESOLUTION NO. 4003 expressing support for the development of a balanced national immigration policy and urging Congress to work to develop an immigration policy that protects and preserves the safety and interests of the United States and its citizens while also recognizing the needs of businesses to have a stable and legal supply of workers; to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1240: Mr. BERRY.  
 H.R. 1470: Mr. BOREN.  
 H.R. 1547: Mr. BOREN.  
 H.R. 1552: Mr. LATTA, Mr. ADLER of New Jersey, and Ms. FUDGE.  
 H.R. 1585: Mr. COURTNEY.  
 H.R. 1721: Mr. KILDEE.  
 H.R. 1925: Mr. PETERSON and Mr. CUMMINGS.  
 H.R. 2017: Mr. MCGOVERN, Mr. CALVERT, and Mr. ROTHMAN of New Jersey.  
 H.R. 2256: Mr. JOHNSON of Illinois, Mr. ENGEL, Mr. WILSON of Ohio, and Ms. BERKLEY.  
 H.R. 2294: Mr. CRENSHAW and Mr. COFFMAN of Colorado.  
 H.R. 2329: Mr. PIERLUISI and Mr. CUMMINGS.  
 H.R. 2389: Mr. SOUDER.  
 H.R. 2409: Mr. THOMPSON of Pennsylvania, Mr. ROSS, and Mr. KING of Iowa.  
 H.R. 2443: Mr. UPTON.  
 H. Res. 57: Ms. LEE of California.  
 H. Res. 331: Mr. SCHIFF.

## EXTENSIONS OF REMARKS

HONORING THE ACHIEVEMENTS OF  
MR. E. MORGAN WILLIAMS

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 15, 2009*

Mr. GERLACH. Madam Speaker, I rise today to honor a tremendous friend of the people of Ukraine and the Ukrainian-American community, who is to be honored this coming Sunday, May 17, 2009.

Mr. E. Morgan Williams was born in Kansas, and holds a bachelors degree from Ottawa University, Ottawa, Canada, and a masters degree in economics from the University of Kansas. Mr. Williams moved to Washington in 1977 to serve Senator Bob Dole as a staffer on the Senate Agriculture Committee.

In 1992, as senior advisor to a major food system development project in Russia and Ukraine, Mr. Williams worked with U.S. agribusinesses that were investing in the former Soviet Union. Then, from 1997 to 1999, Mr. Williams was the President and CEO of a private agricultural input finance company in Kyiv, Ukraine.

Since 1992, Mr. Williams has worked toward the recognition and acknowledgement of the Holodomor as one of the world's greatest tragedies. He has made pivotal contributions to the world-wide commemoration of the 75th anniversary of this genocide, including being the founder and trustee of a "Holodomor: Through the Eyes of Ukrainian Artists" Exhibition and Education Collection. This collection is composed of original artworks by Ukrainian artists about the Soviet-induced starvation of 1932–1933 that resulted in the death of millions of Ukrainians.

In his current capacity as president of the U.S.-Ukraine Business Council (USUBC), Mr. Williams has expanded the membership of this important entity to over 100 major U.S. corporations. He has developed this important organization into an advocate for better business laws and practices and provides vital business news to U.S. businesses that have interests in Ukraine.

In February of 2008, he was appointed to the new Council of Investors (COI) created by Ukrainian Prime Minister Yulia Tymoshenko. Mr. Williams also serves as a representative of the U.S.-Ukraine Business Council.

For this outstanding service and body of work, Mr. Williams will be honored by the Board of Directors of the Ukrainian Federation of America on Sunday, May 17, 2009 at the Alexander B. Chernyk Gallery at the Ukrainian Educational and Cultural Center in Jenkintown, Pennsylvania.

Madam Speaker, I ask that my colleagues join me today in praising the exemplary achievements of Mr. E. Morgan Williams for and on behalf of Ukraine and the Ukrainian people. May his dedication and tireless work ethic be an inspiration to us all.

EARMARK DECLARATION

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 15, 2009*

Project Name: Drydock ALABAMA Pier Relocation

Requesting Member: Congressman JO BONNER

Bill Number: FY09 War Supplemental Appropriations Bill

Account: CH 5 GPs

Legal Name of Requesting Entity: Atlantic Marine Alabama, LLC

Address of Requesting Entity: Main Gate, Dunlap Drive, Mobile, AL 36602

Description of Request: \$0 will be utilized to create 350 U.S. shipyard jobs. Atlantic Marine, a company with shipyards in Florida and Alabama, Mississippi, Pennsylvania and Massachusetts, owns the dry-dock ALABAMA. A dry-dock 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 15 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 compliant 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. To safely launch these ships, Atlantic Marine must move the ship onto the dry-dock ALABAMA. The dry-dock 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 dry-dock 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 dry-dock is a "vessel", and the determination of moving the dry-dock from one pier in a shipyard to another pier in the same shipyard constitutes two points in the U.S. is questionable. This amendment is supported by the International Organization of Masters, Mates, and Pilots (MM&P), the 6,800 member union representing the domestic maritime industry and America's Merchant Marine.

This provision (a Jones Act waiver for the dry-dock 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.

HATE CRIMES AGAINST SIKH  
AMERICANS

**HON. JARED POLIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 15, 2009*

Mr. POLIS. Madam Speaker, I rise to address an issue that does not receive enough attention from my colleagues—the very real evil of hate crimes against Sikh Americans. This is a timely issue, considering our passage yesterday of H.R. 1913, which expands hate crimes protection to gay, lesbian, bisexual, and transgendered Americans, among others. It is appalling that a particular group of loyal, patriotic Americans is targeted for attack and ridicule because of the peaceful observance of their faith.

Sikh communities continue to live in fear of hate crimes. Since September 11, 2001, the Justice Department has investigated over 800 incidents of biased attacks against Sikh, Arab, Muslim, and South Asian Americans. More than 40 of these investigations resulted in criminal conviction. Tragically, however, the true extent of hate crimes against Sikh Americans and others may be grossly under-reported. Because of the politically sensitive nature of these attacks and the intimidation in many communities, persecuted minorities often do not bring this abuse to the attention of law enforcement. If hate crimes against Sikh Americans and other post-9/11 communities do not come to light, there is a danger that the gravity of the problem will escape the attention of lawmakers and law enforcement officials and continue to leave our communities vulnerable to bias attacks in the future. We cannot let this slip through the cracks!

In the days after the attacks of September 11, 2001, there was an enormous backlash against the Arab and Muslim American communities. The Sikh community was often confused for Arabs or Muslims. Identified by their conspicuous items of faith, Sikhs became easy targets for anyone wishing to take out their rage. Hundreds of incidents of intimidation and violence brought national attention to the problem. As time has passed, however, few people take note of the isolated, but still insidious hate crimes that affect Sikh Americans every year.

Just this year, in Queens, New York, a 21 year-old Sikh man was viciously attacked by hooligans who pelted him with racial epithets as they pulled on his beard and hair. He survived, but not before they had stabbed him in the eye, depriving him not only of his sight, but of his dignity. His story is too common. Last year, in New Jersey, a Sikh boy's turban was set on fire and scalp and hair burned while he was participating in school activity. His attacker was expelled, but charged simply with mischief. The list goes on and on. From Sikh Americans beaten and bloodied as they go out for a jog to cab drivers being murdered in cold blood, each act of violence chips away at the freedom of every American.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

If we do not stand up for one another, who will? I stand up today for Sikh Americans and, indeed, all those who are singled out for who they are or what they believe. While these attacks were based on the mistaken belief that Sikhs are Muslims or Arabs, attacks on any such group are un-American and threaten the freedom we all work to protect. I urge my colleagues to keep a careful eye on attacks such as these. We must not ignore the problem. We must confront it, call it what it is, and work to make sure these kinds of attacks never happen again. When they do, we must make these bigots famous, and punish them to the fullest extent of the law.

INTRODUCTION OF NET OPERATING LOSS CARRYBACK BILL

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 15, 2009*

Mr. NEAL of Massachusetts. Madam Speaker, today I am pleased to introduce legislation to help millions of American workers keep their jobs in this difficult economy. This bill provides a simple change in the rules for businesses with net operating losses. Already, businesses can carry these losses back or forward to offset taxes paid in more profitable years. This provision helps businesses smooth out the inevitable ups and downs of our economy.

You would be hard pressed to find an economist now that would say the recession we are currently in is not one of the worst on record. In fact, almost all the economic data we can gather shows it is as bad as it has been since the Great Depression. Congress has already responded with the American Recovery and Reinvestment Act earlier this year,

which did include a provision for businesses to carry back losses incurred in 2008 and 2009 for 5 years, instead of 2. However, at the last minute, this legislation was limited only to small businesses.

I support broad and general net operating loss relief and am filing legislation today to do so. I am pleased to be joined in this effort by my friend and Ways and Means colleague, Mr. TIBERI from Ohio. Our bill is based on the budget proposal made by President Obama just this week. While the Administration has indicated the legislation the President supports is that which earlier passed in the Senate, officials have also said they do not support limits of certain industries to claim this relief from operating losses. I believe that is the right approach, but until we have clear guidance from the Administration, the bill I am filing today mirrors that which was filed in the Senate.

Just this week, I was visited by one business that did not qualify under the stimulus bill—Brookstone. Any traveler will be happy to share with you their favorite Brookstone product—talking alarm clocks or compact hair dryers. Their stores are in most major airports now. But this 45-year old company, founded in my home State of Massachusetts, had a loss last year for the first time in the company's history. That loss impacts not only the bottom line, but its ability to restock inventory, and its ability to borrow money based on inventory. For many American businesses, like Brookstone, net operating loss relief can be a life-line to help a struggling business through a historic economic downturn.

With consumer confidence at its lowest level ever, retailers across the country have been hurting. Retailers lost 535,000 jobs last year and 2009 is sure to rival that number. And the bad news just keeps on coming. Today, about 2,000 auto dealerships around the country will be eliminated. That's about 60 jobs at each dealership, averaging \$50,000 a year for those

workers. These are difficult times for American businesses, and we can offer a life-line with this bill. I hope my colleagues will join us in this effort to provide modest relief through a simple accounting change for businesses with true operating losses.

PERSONAL EXPLANATION

**HON. CATHY McMORRIS RODGERS**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 15, 2009*

Mrs. McMORRIS RODGERS. Madam Speaker, after what I thought was a successful attempt to cast my vote supporting the H.R. 2346, the War Supplemental Appropriations Act of 2009, I learned the next day my vote was not recorded.

I fully support this year's war supplemental. Whether serving in the Army, Navy, Marines, or Air Force, the men and women who serve are key enablers in fighting the Global War on Terror. It's important we give them, and their families, what they need to continue their success in Iraq and Afghanistan as well as at home.

As a member of the House Armed Services Committee, I am committed to doing everything I can to protecting our nation and communities. I am working to protect and expand the role of Fairchild Air Force Base, including securing the next generation of air refueling tankers.

I could not be more proud of the veterans, active duty and military families who call Eastern Washington home. I thank them for their service and am committed to doing everything I can to support them.

# Daily Digest

## Senate

### Chamber Action

The Senate was not in session today. It will next meet at 2 p.m. on Monday, May 18, 2009.

### Committee Meetings

(Committees not listed did not meet)

#### NOMINATION

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the

nomination of Robert M. Groves, of Michigan, to be Director of the Census, Department of Commerce, after the nominee testified and answered questions in his own behalf.

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## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 5 public bills, H.R. 2450–2454; and 1 resolution, H. Res. 449 were introduced. **Page H5671**

**Additional Cosponsors:** **Page H5671**

**Report Filed:** A report was filed today as follows:

H.R. 2352, to amend the Small Business Act, with an amendment (H. Rept. 111–112). **Page H5671**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Edwards (MD) to act as Speaker Pro Tempore for today. **Page H5669**

**Chaplain:** The prayer was offered by the Guest Chaplain, Monsignor Stephen Rossetti, St. Luke's Institute, Silver Spring, MD. **Page H5669**

**Senate Message:** Message received from the Senate today appears on page 5669.

**Quorum Calls—Votes:** There were no Yea-and-Nay votes, and there were no Recorded votes. There were no quorum calls.

**Adjournment:** The House met at 1 p.m. and adjourned at 1:05 p.m.

### Committee Meetings

#### DEFENSE HEALTH PROGRAM BUDGET

*Committee on Armed Services:* Subcommittee on Military Personnel held a hearing on the Fiscal Year

2010 National Defense Authorization Budget Request on Defense Health Program Overview. Testimony was heard from the following officials of the Department of Defense: Allen W. Middleton, Acting Principal Deputy Assistant Secretary, Health Affairs; LTG Eric Schoemaker, USA, Commanding General, U.S. Army Medical Command, Surgeon General, U.S. Army; VADM Adam Robinson, USN, Surgeon General, U.S. Navy; LTG James G. Roudebush, USAF, Surgeon General, U.S. Air Force; and Charles Campbell, Chief Information Officer, Military Health System, Office of the Assistant Secretary, Health Affairs.

#### NAVY SHIPBUILDING BUDGET

*Committee on Armed Services:* Subcommittee on Seapower and Expeditionary Forces held a hearing on Fiscal Year 2010 National Defense Authorization Budget Request for Department of the Navy shipbuilding acquisition programs. Testimony was heard from the following officials of the Department of the Navy: Sean J. Stackley, Assistant Secretary, Research, Development and Acquisition, and VADM Barry J. McCullough, USN, Deputy Chief of Naval Operations, Integration of Capabilities and Resources.

*Next Meeting of the SENATE*

2 p.m., Monday, May 18

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12:30 p.m., Monday, May 18

Senate Chamber

House Chamber

Program for Monday: Senate will be in a period of morning business.

Program for Monday: To be announced.

## Extensions of Remarks, as inserted in this issue

### HOUSE

Bonner, Jo, Ala., E1179  
 Gerlach, Jim, Pa., E1179  
 McMorris Rodgers, Cathy, Wash., E1180  
 Neal, Richard E., Mass., E1180  
 Polis, Jared, Colo., E1179



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