



U.S. House of Representatives
Committee on Transportation and Infrastructure

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SUMMARY OF SUBJECT MATTER

TO: Members of the Committee on Transportation and Infrastructure
FROM: Committee on Transportation and Infrastructure Majority Staff
SUBJECT: Committee on Transportation and Infrastructure Markup

PURPOSE OF MARKUP

On Thursday, July 31, 2008, at 11:00 a.m., in room 2167 of the Rayburn House Office Building, the Committee on Transportation and Infrastructure is scheduled to mark up H.R. _____, the "Disaster Response, Recovery, and Mitigation Enhancement Act of 2008"; H.R. 6460, the "Great Lakes Legacy Reauthorization Act of 2008"; H.R. 6630, to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress; H.R. 5788, the "Halting Airplane Noise to Give Us Peace Act of 2008"; H.R. 6627, the "Smithsonian Institution Facilities Authorization Act of 2008"; S. J. Res. 35, to amend Public Law 108-331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona; H.R. 6524, to authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes; H.R. 6370, the "Oregon Surplus Federal Land Act of 2008"; S. 2837, to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse"; S. 3009, to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the "J. James Exon Federal Bureau of Investigation Building"; S. 2403, to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse"; H.R. 4131, to designate a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway"; H. Res. 1382, honoring the heritage of the United States Coast Guard; H. Res. 1224, commending the Tennessee Valley Authority on its 75th anniversary; H. Res. 1376, commemorating the 80th anniversary of the Okeechobee Hurricane of September 1928 and its associated tragic loss of life; and other matters cleared for consideration.

**H.R. _____, THE “DISASTER RESPONSE, RECOVERY, AND MITIGATION
ENHANCEMENT ACT OF 2008”**

Background

H.R. _____, the “Disaster Response, Recovery, and Mitigation Enhancement Act of 2008”, makes amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (“Stafford Act”) to improve the assistance the Federal Government provides to States, local governments, and communities after major disasters and emergencies.

The Stafford Act is administered by the Federal Emergency Management Agency (“FEMA”) and provides the statutory authority for most Federal activities in the wake of a natural disaster or other emergency. While FEMA and the Stafford Act are best known for the response and recovery activities undertaken by FEMA after the President declares a major disaster under the Stafford Act, the Stafford Act also authorizes the Federal Government’s all hazard preparedness and mitigation programs. Together, these programs help communities and citizens prepare for, respond to, recover from, and mitigate the broad range of hazards our nation faces every day.

H.R. _____, the “Disaster Response, Recovery, and Mitigation Enhancement Act of 2008”

H.R. _____, the “Disaster Response, Recovery, and Mitigation Enhancement Act of 2008”, reauthorizes certain FEMA programs and activities, codifies other programs that FEMA is currently administering under the authority of the Stafford Act but which are not expressly authorized in statute, amends eligibility under FEMA programs, and makes technical corrections to the Stafford Act. Specifically, H.R. ___ includes the following provisions:

Pre-Disaster Mitigation – The bill amends section 203 of the Stafford Act to authorize the Pre-Disaster Mitigation (“PDM”) program through fiscal year 2011 at a level of \$250 million per year, and makes improvements to the program, including requiring that projects are selected through a competitive process. The PDM program provides cost-effective technical and financial assistance to State and local governments to reduce injuries, loss of life, and damage to property caused by natural hazards. This important program will sunset on September 30, 2008, unless Congress acts.

Integrated Public Alerts and Warning Systems Modernization Act of 2008 – The bill amends section 202 of the Stafford Act to direct the President to modernize the integrated public alerts and warning system. The bill requires FEMA to lead the modernization of Emergency Alert System (“EAS”); have certain capabilities and meet requirements to modernize the system; develop a system that incorporates multiple communication technologies; provide redundant alert mechanisms; implement pilot programs to demonstrate feasibility; and establish an Advisory Committee comprised of a broad range of stakeholders to develop recommendations for the public alert and warning system under a specific timeline.

Health Benefits for Temporary Employees – The bill makes temporary or intermittent employees hired by FEMA under the Stafford Act in response to a disaster eligible to enroll in the Federal Health Benefits Program. Currently, temporary employees deployed in a disaster do not have access to employer-provided health insurance and must carry their own private insurance.

Disposal Of Excess Property To Assist Other Disaster Victims – The bill provides new authority to allow FEMA to sell excess materials, supplies, and equipment to States, local governments, and relief or disaster assistance organizations to assist victims of smaller-scale natural disasters and other incidents that do not result in the declaration of a major disaster or emergency under the Stafford Act.

National Urban Search and Rescue Response System - The bill authorizes the National Urban Search and Rescue System (“US&R”) as a new section of the Stafford Act. The activities of the US&R system are currently authorized in various sections of the Stafford Act, but the program is not codified. The National Urban Search and Rescue System is a robust system of 28 teams comprised of State and local responders who work together to respond to both local incidents and major disasters and emergencies under the Stafford Act. These teams provide a very specialized and critical capability that our nation has called upon numerous times since the inception of the US&R system nearly two decades ago. The bill also codifies workers compensation and tort liability protection that is currently provided administratively. It also provides new protections to members of US&R teams deployed in response to a disaster under the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), as well as licensing and professional liability protection.

Disaster Relief Fund – The Disaster Relief Fund, funded by Congressional appropriations, provides funding for FEMA’s Federal Disaster Programs authorized by titles IV and V of the Stafford Act. These programs consist of Individual Assistance, which includes funds available for housing, transportation, medical care, and replacement of personal property, and Public Assistance aid to state or local governments to pay part of the costs of rebuilding a community's damaged infrastructure. This bill authorizes the Disaster Relief Fund, which was created in appropriations law and is not currently codified in the Stafford Act. This bill also authorizes the Disaster Support Account, which was created in the late 1990s, and provides for ongoing capabilities that are not readily attributable to one specific disaster.

Additional Mitigation Assistance – This bill amends section 404 of the Stafford Act by providing for additional assistance under the Hazard Mitigation Grant Program for States that actively enforce an approved building code throughout the State.

Temporary mortgage and rental payments – The Mortgage and Rental Assistance (“MRA”) program was removed from the Stafford Act in the Disaster Mitigation Act of 2000 (P.L. 106-390), effective 2002. Ironically, this program was most used after the provision was repealed (but before repeal took effect) in New York after the terrorist attacks of September 11, 2001. The provision included in the bill is very similar to the repealed version and allows FEMA to provide assistance for up to 18 months in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, are at imminent risk of dispossession or eviction from a residence due to foreclosure of any mortgage or lien, cancellation of any contract for sale, or termination of any lease, entered into prior to the disaster. This provision corrects one of the major weaknesses of the prior provision, which required a written notice of dispossession or eviction.

Clarification of grant authority – The bill also makes technical amendments to section 418 of the Stafford Act (Emergency Communications) and section 419 of the Stafford Act (Emergency Public Transportation), clarifying that assistance authorized by these sections can be provided by grants to States rather than solely being provided directly by the Federal Government. This provision also

amends section 309 of the Stafford Act to clarify that FEMA can enter into grant agreements to carry out this section.

Household pets and service animals – The bill provides new authority for FEMA to include household pet and service animal rescue, care, and sheltering to activities eligible under emergency assistance programs in Title V of Stafford Act. The Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109-295) amended section 403 of the Stafford Act to provide this assistance in a major disaster declaration under Title IV of the Stafford Act, but did not provide this authority for emergency declarations under Title V of the Stafford Act. This provision extends that authority to emergency declarations.

Storage, sale, transfer, and disposal of housing units – The bill requires FEMA to assess the number of 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 necessary to stock and disposing of those not necessary to stock. However, FEMA may delay disposing of trailers found to have formaldehyde, until the appropriate agency promulgates regulations concerning formaldehyde.

Community preparedness – The bill authorizes FEMA's existing citizen preparedness program, known as "Citizen Corps", as well as the Citizen Emergency Response Team Program. Citizen Corps is a component of USA Freedom Corps, established by the President in 2002, to help coordinate volunteer activities to better prepare communities to respond to a disaster or emergency. The bill provides funding for both programs through FY 2011.

Emergency Management Assistance Compact Grants – The bill also reauthorizes the Emergency Management Assistance Compact ("EMAC") as a new section (618) of the Stafford Act. EMAC provides form and structure to interstate mutual aid and allows a State impacted by a disaster to request and receive assistance from other states quickly and efficiently. The current authorization for EMAC expires at end of fiscal year 2008.

Authority to accept and use gifts – The bill makes a technical amendment to section 701(b) of the Stafford Act that clarifies that FEMA may make grants with funds, other gifts, or donations made under the authority of this section.

Individual assistance factors - 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.

Technical corrections to references - The bill also makes technical corrections by changing references in the Stafford Act to the "Director" of FEMA to "Administrator" of FEMA, consistent with the change in title of that position that took effect on April 1, 2007.

Prior Legislative and Oversight Activities

In 110th Congress, the Committee on Transportation and Infrastructure reported the following bills related to FEMA and the Stafford Act:

- *H.R. 6109 the Pre-Disaster Mitigation Act of 2008*: This legislation reauthorizes FEMA's Pre-Disaster Mitigation Program and makes improvements including codification of the competitive aspects of the program. On June 23, 2008, the House passed H.R. 6109 by voice vote.
- *H.R. 3247 the Hurricane Katrina and Rita Recovery Facilitation Act of 2007*: This legislation provides additional Federal relief targeted to Hurricanes Katrina and Rita in Louisiana and Mississippi and was crafted from testimony by Members of the Louisiana and Mississippi delegations at a May 2007 Hearing of the Subcommittee on Economic Development, Public Buildings, and Emergency Management. On October 29, 2007, the House passed H.R. 3247 by voice vote.
- *H.R. 3224 the Dam Rehabilitation and Repair Act of 2007*: This legislation establishes a program to provide grant assistance to States for use in rehabilitating publicly-owned dams that fail to meet minimum safety standards and pose an unacceptable risk to the public. On October 29, 2007, the House passed H.R. 3224 by a recorded vote of 263-102.
- *H.R. 1144 the Hurricanes Katrina and Rita Federal Match Relief Act of 2007*: This legislation provides significant relief for communities devastated by Hurricanes Katrina, Rita, and Wilma. This legislation adjusts the Federal cost share for critical disaster relief programs to 100 percent. Further, the bill modifies the Community Disaster Loan enacted after Hurricanes Katrina and Rita that prohibited loans from those disasters from being cancelled, unlike all previous Community Disaster Loans. H.R. 1144 authorizes the cancellation of these loans under certain conditions, like previous loans provided under the program. H.R. 1144 was enacted as part of P.L. 110-28, the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007".

In the 110th Congress, the Committee also collaborated with the Committee on Financial Services on H.R. 1227, the "Gulf Coast Hurricane Housing Recovery Act of 2007", to ensure that Louisiana is allowed to use Hazard Mitigation Program funds for its Road Home program. H.R. 1227 passed the House March, 21, 2007.

In the 109th Congresses, the Committee enacted the Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109-295).

In the 110th Congress, the Committee has held numerous hearings related to FEMA and the Stafford Act, including:

- “Saving Lives and Money through the Predisaster Mitigation Program” (April 30, 2008)
- “National Flood Plain Remapping: The Practical Impact” (April 2, 2008)
- “Readiness in the Post Katrina and Post 9.11 World: An Evaluation of the New National Response Framework” (September 11, 2007)
- “Assuring the National Guard is as Ready at Home as It is Abroad” (May 18, 2007)
- “Legislative Fixes for Lingering Problems that Hinder Katrina Recovery” (May 10, 2007)
- “National Levee Safety and Dam Safety Programs” (May 8, 2007)
- “FEMA’s Preparedness and Response to All Hazards” (April 26, 2007)
- “FEMA’s Emergency Food Supply System” (April 20, 2007)
- “Post-Katrina Temporary Housing: Dilemmas and Solutions” (March 20, 2007)

Amendments

Specific information on amendments is not available at this time.

H.R. 6460, THE "GREAT LAKES LEGACY REAUTHORIZATION ACT OF 2008"

Background

The Great Lakes basin includes all of Michigan, parts of Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, and the Canadian provinces of Ontario and Quebec. Approximately 40 million people live within the Great Lakes basin. Water in the Great Lakes is used for a multitude of activities including fishing, swimming, boating, agriculture, industry, and shipping. In addition, the Great Lakes contain around 84 percent of North America's, and 21 percent of the world's surface fresh water supplies.

Industrialization and development have had a significant impact on the Great Lakes ecosystem. The region's industrial development has included mining, steel production, and machine tool and automobile manufacturing. Agriculture is also a significant component of the regional economy. The Great Lakes have historically provided convenient waterways for the movement of goods. They also provide process and cooling water for industrial users, and are used to generate hydroelectric power. While industrialization, agriculture, power generation, and other activities have produced significant economic development in the region, water quality has also been adversely impacted.

In its 2002 National Water Quality Inventory, the Environmental Protection Agency ("EPA") reports that 91 percent of assessed Great Lakes shoreline miles were impaired – meaning that the shoreline did not meet all of its designated uses, including fishing, swimming, and suitability for aquatic wildlife habitat. The leading causes of this impairment include pathogens, metals, and toxic organic compounds. EPA notes that the dominant cause of reported shoreline impairment is legacy, or historical, pollution – chiefly contaminated sediment. In the same report, EPA reports that 99 percent of the assessed Great Lakes open waters were rated as impaired. The predominant causes of impairment were priority organics, metals (primarily mercury), and pesticides. The primary sources of these causes of impairment are atmospheric deposition, industrial sources, agriculture, and legacy (historical) pollutants.

The impaired nature of the Great Lakes is also reflected in the biennial assessment of EPA and Environment Canada, entitled the "State of the Great Lakes" report, which is carried out pursuant to the 1987 Great Lakes Water Quality Agreement. In 2007, this report identified the status of the Great Lakes ecosystem as mixed, with the particular concern expressed on the localized toxic contamination that continues to exist in high levels in the Great Lakes Areas of Concern.

At present, there are 43 Areas of Concern within the Great Lakes Basin, 26 Areas wholly within the United States, 12 Areas located wholly within Canada, and five Areas that are shared by both countries. The Areas of Concern were defined under the Great Lakes Water Quality Agreement as "ecologically degraded geographic areas requiring remediation." An area is considered ecologically degraded if at least one of 14 beneficial use impairments is present as a result of contamination – restrictions on fish and wildlife consumption; tainting of fish and wildlife flavor; degradation of fish and wildlife populations; fish tumors or other deformities; bird or animal deformities or reproduction problems; degradation of benthos; restrictions on dredging activities; eutrophication or undesirable algae; restrictions on drinking water consumption, or taste and odor problems; beach closings; degradation of aesthetics; added costs to agriculture or industry; degradation of phytoplankton and zooplankton populations; or loss of fish and wildlife habitat.

Great Lakes Legacy Act of 2002

In 2002, the Committee on Transportation and Infrastructure approved the Great Lakes Legacy Act (P.L. 107-303), as an amendment to section 118 of the Federal Water Pollution Control Act ("Clean Water Act"). The Great Lakes Legacy Act authorizes funding to clean up contaminated sediment in the Areas of Concern located wholly within, or shared by the United States. Great Lakes Legacy Act funding can be used for remediation of contaminated sediment, public outreach, and research, and is primarily focused on sites within the Areas of Concern that are not Superfund sites.

Sediment remediation projects funded under the Great Lakes Legacy Act are negotiated agreements between EPA (through the Great Lakes National Program Office) and a non-Federal sponsor. Cleanup projects are cost-shared 65 percent Federal and 35 percent non-Federal, with the non-Federal sponsor being responsible for 100 percent of the operation and maintenance costs. The non-Federal share may include in-kind services.

The Great Lakes Legacy Act authorized \$270 million over five years. This authorization of appropriations consists of \$50 million per year for projects (contaminated sediment remediation and monitoring); \$3 million per year for research; and \$1 million per year for outreach activities.

H.R. 6460, the "Great Lakes Legacy Reauthorization Act of 2008"

H.R. 6460, the "Great Lakes Legacy Reauthorization Act of 2008", amends the Clean Water Act to reauthorize appropriations for the cleanup of contaminated sediments in the Great Lakes Areas of Concern.

H.R. 6460 authorizes \$150 million annually for each of fiscal years 2009 through 2013 for projects to address sediment contamination in Areas of Concern. This significant funding increase will accelerate the cleanup of sites within the Areas of Concern, and if fully appropriated, has the potential to delist all of the U.S. Areas of Concern within the next decade.

H.R. 6460 also makes a limited number of changes to the Great Lakes Legacy Act that were jointly recommended by the States, industry representatives, and non-governmental stakeholders in the Great Lakes basin. For example, H.R. 6460 authorizes Great Lakes Legacy Act funding to be used to address aquatic habitat restoration, provided that this restoration activity is related to a project for the remediation of contaminated sediment. Projects to address aquatic habitat should accelerate with enactment of H.R. 6460.

In addition, the Great Lakes Legacy Reauthorization Act of 2008 authorizes the EPA Administrator to conduct the initial site assessments for projects within the Areas of Concern at Federal expense. Site assessments provide vital information on the nature and extent of sediment contamination that is utilized in the planning, design, and eventual construction of remediation activities. H.R. 6460 also explicitly authorizes non-Federal sponsors to receive credit toward the non-Federal share of the cost of Great Lakes Legacy Act projects for in-kind contributions.

Finally, H.R. 6460 authorizes \$5 million per year for research and development of innovative sediment remediation technologies.

Prior Legislative and Oversight Activities

On May 21, 2008, the Subcommittee on Water Resources and Environment held a hearing, entitled "Reauthorization of the Great Lakes Legacy Act".

On July 10, 2008, Representative Vernon Ehlers introduced H.R. 6460, the "Great Lakes Legacy Reauthorization Act of 2008".

Amendments

Chairman James L. Oberstar will offer an amendment in the nature of a substitute to the bill. The amendment makes a few technical changes to H.R. 6460. First, the amendment shifts the responsibility for an inquiry into the existence of potentially responsible parties under other Federal or State statutes from the Director of the Great Lakes National Program Office to the EPA Administrator to ensure that the appropriate Agency personnel are carrying out this activity. Second, the amendment authorizes non-Federal sponsors of Great Lakes Legacy Act projects to carry over credit against their non-Federal share of the cost of a project to projects at other sites within the same Area of Concern carried out by the same non-Federal sponsor. Finally, the amendment clarifies that only one site assessment at Federal expense can be carried out per site.

Specific information on other amendments is not available at this time.

**H.R. 6630, TO PROHIBIT THE SECRETARY OF TRANSPORTATION FROM GRANTING AUTHORITY
TO A MOTOR CARRIER DOMICILED IN MEXICO TO OPERATE BEYOND UNITED STATES
MUNICIPALITIES AND COMMERCIAL ZONES ON THE UNITED STATES-MEXICO BORDER UNLESS
EXPRESSLY AUTHORIZED BY CONGRESS**

Background

On February 23, 2007, Secretary of Transportation Mary Peters announced a plan to grant authority to 100 motor carrier companies based in Mexico to conduct long-haul operations beyond the commercial zones as part of a one-year pilot program. Prior to the pilot program, trucks entering from Mexico had been limited to approximately 20-mile wide "commercial zones" along the U.S.-Mexico border.

The Secretary's announcement was met with strong opposition in Congress and it prompted questions about the U.S. Department of Transportation's ("DOT") legal authority to carry out a pilot program and to fully open the border, about potential impacts on safety, and about reciprocity for U.S. carriers seeking access to Mexico.

Congress intended to legislate safeguards into DOT's proposed pilot program in the U.S. Troop Readiness, Veterans Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28). Section 6901 of the Troop Readiness Act required the DOT Inspector General ("IG") to verify that DOT is prepared to enforce Federal motor carrier safety laws and regulations with respect to Mexico-domiciled carriers, required DOT to address any issues raised by the IG, and required DOT to submit a report to Congress detailing corrective actions taken before the start of the pilot program. The Inspector General submitted his report to Congress on September 6, 2007, raising questions about whether DOT had sufficient plans in place to carry out the Department's commitment to check every truck every time it crosses the border into the United States under the pilot program. Within a few hours of receiving the IG report, the Secretary submitted her report to Congress and granted operating authority to the first Mexican trucking company under the pilot program. Additional companies have been granted operating authority on a rolling basis.

On December 26, 2007, Congress enacted a further prohibition on DOT action in the Consolidated Appropriations Act of 2008. Section 136 of the Consolidated Appropriations Act prohibited DOT from using funds to establish a cross-border motor carrier pilot program. DOT has continued its pilot program despite this funding prohibition, arguing that the language only prohibits future pilot programs and does not impact the program initiated in September 2007.

DOT published three notices in the *Federal Register* on May 1, 2007 (72 Fed. Reg. 23883), June 8, 2007 (72 Fed. Reg. 31877) and August 17, 2007 (72 Fed. Reg. 46263) outlining the details of the proposed pilot program, after calls for additional information from Congress and the public. The May 1, 2007 notice specifically states that "The demonstration project will terminate and all provisional operating authority certificates expire one year from the date FMCSA grants the first provisional certificate." However, despite the plain language of DOT's statement, DOT has issued provisional operating authority to pilot program participants for 18 months.

According to Federal Motor Carrier Safety Association ("FMCSA") data, as of July 2008, 26 Mexican carriers operating 107 trucks had been granted authority under the pilot program to operate long-haul in the United States, and 10 U.S. carriers operating 55 trucks had been granted authority

under the pilot program to operate in Mexico. Pilot program participants from Mexico crossed into the United States 9,776 times. Only 1,337 of these crossings, or 14 percent, resulted in carriers traveling beyond the border zones.

H.R. 6630, to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress

H.R. 6630 directs the Secretary of Transportation to terminate the one-year cross border demonstration project the Secretary started on September 6, 2007 no later than September 6, 2008. This bill further prohibits the Secretary from initiating a new pilot program or otherwise granting new authority to a Mexico-domiciled motor carrier to operate beyond the border zones unless specifically authorized by Congress. H.R. 6630 also requires three reports to Congress assessing the implementation of the pilot program within 60 days of enactment from the Inspector General of the Department of Transportation, from the independent review panel established by the Secretary to monitor the pilot program, and from the Secretary of Transportation.

Prior Legislative and Oversight Activities

On March 13, 2007, the Subcommittee on Highways and Transit held a hearing entitled “U.S./Mexican Trucking: Safety and the Cross Border Demonstration Project” to examine the proposed pilot program and to assess the status of cross-border trucking operations between the U.S. and Mexico.

On March 29, 2007, Representative Nancy E. Boyda introduced H.R. 1773, the “Safe American Roads Act of 2007”. On May 2, 2007, the Committee on Transportation and Infrastructure ordered the bill, as amended, reported favorably to the House by recorded vote of 66-0. This legislation authorizes a three-year cross border trucking pilot program, but only under a specific set of conditions and once all prerequisites are met to ensure safety. The bill includes mechanisms to shut the program down if the pilot program has any detrimental effect on safety. The bill also requires Congress to pass additional legislation for the border to open fully beyond the limited pilot program. On May 15, 2007, the House passed H.R. 1773 by a vote of 411-3. To date, the Senate has not taken action on the bill.

On July 24, 2007, the House adopted an amendment to H.R. 3074, the FY 2008 Transportation, Treasury, Housing, and Related Agencies Appropriations Act, sponsored by Subcommittee on Highways and Transit Chairman Peter A. DeFazio, to prohibit DOT from using funds to establish or implement a cross-border motor carrier pilot program.

On July 29, 2008, Subcommittee Chairman DeFazio introduced H.R. 6630.

Amendments

Specific information on amendments is not available at this time.

H.R. 5788, THE “HALTING AIRPLANE NOISE TO GIVE US PEACE ACT OF 2008”

Background

The Federal Aviation Administration (“FAA”) currently prohibits the use of cellular phones, wireless communication devices, and other portable electronic devices (“PEDs”) with radio transmitters (e.g., BlackBerry handheld devices) while onboard U.S.-registered civil aircraft because of concerns related to interference with aircraft communications and navigation equipment, or avionics. However, portable voice recorders, hearing aids, heart pacemakers and electronic shavers are permitted. FAA regulations also allow passengers to use PEDs without radio transmitters (e.g., laptops) at altitudes above 10,000 feet, on a case-by-case basis, if an airline demonstrates that there would be no interference with navigation or communication equipment during critical flight phases.

The Federal Communications Commission (“FCC”) rules prohibit the use of cellular phones using the 800 MHz frequency and other wireless devices on airborne aircraft. This ban was put in place because of potential interference to wireless networks on the ground. In March 2007, the FCC terminated a proceeding that it began in late 2004 to consider potentially lifting this ban. However, the FCC has approved rules that allow in-flight voice and data services, including broadband services using dedicated air-to-ground frequencies that were previously used for seat-back telephone service. Air-to-ground service providers are in the process of rolling out new in-flight services, such as high-speed Internet access for laptop computers. Such services, if offered by an airline, would also have to meet FAA safety requirements.

European airlines are in a different situation. In 2008, the European Commission introduced new European-wide regulations to harmonize the technical and licensing requirements for the use of cell phones on board aircraft throughout Europe. As a result of this decision, some European airlines are planning to allow passengers to use cell phones during flight.

H.R. 5788, the “Halting Airplane Noise to Give Us Peace Act of 2008”

H.R. 5788, the “Halting Airplane Noise to Give Us Peace Act of 2008,” prohibits voice communications using mobile communication devices in an aircraft during a flight of scheduled passenger inter- or intra-state air transportation. This prohibition includes conventional commercial mobile communication devices, voice over the internet applications, and voice override capabilities. The flight crew is not covered by this restriction and it does not affect the use of telephones already installed in the aircraft. The Secretary of Transportation shall require all air carriers and foreign air carriers to adopt the cell phone prohibition, however, if a foreign government objects to the application of the provision, then the Secretary shall waive the application at such time as an alternative prohibition on voice communications can be negotiated by the Secretary with the foreign government.

Prior Legislative and Oversight Activities

On April 15, 2008, Representative Peter A. DeFazio introduced H.R. 5788, the “Halting Airplane Noise to Give Us Peace Act of 2008”. This bill has not been introduced in a previous Congress.

Amendments

Subcommittee on Aviation Chairman Costello will offer an amendment in the nature of a substitute to the bill. This amendment makes minor technical changes to the bill, including exempting law enforcement officers from the prohibition and providing flexibility to the Secretary as to whether waiver of the application should be granted to a foreign government.

Specific information on other amendments is not available at this time.

H.R. 6627, THE "SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION ACT OF 2008"

Background

The Smithsonian Environmental Research Center ("SERC") is a global leader in the study of ecosystems in the coastal zone. Founded on the site of an abandoned 1930s dairy farm in Edgewater, Maryland, the SERC facilities include a mosaic of farm buildings, the Mathias Laboratory, 10 temporary trailers, an administrative building, and a variety of lab support spaces. Nearly one-half of SERC's 146 employees and fellows conduct the majority of their work in trailers. The Board of Regents of the Smithsonian Institution request authority to design and construct laboratory space to accommodate the Mathias Laboratory at SERC.

The Smithsonian Tropical Research Institute ("STRI") is the principal United States organization devoted to research in tropical biology. Tropical biology is critical to finding untapped resources to add to the important supply of food, pharmaceuticals, and fiber of tropical regions. STRI has outgrown the space available at its current facilities and this bill provides for construction of a new lab in Gamboa, Panama. The terrestrial research program is critical to understanding the role that tropical plants and soils play in global climate change models and for enriching knowledge of tropical biodiversity. The Board of Regents of the Smithsonian Institution request authority to construct laboratory space to accommodate the terrestrial research program of STRI in Gamboa, Panama.

H.R. 6627, the "Smithsonian Institution Facilities Authorization Act of 2008"

H.R. 6627 authorizes the Board of Regents of the Smithsonian Institution to design and construct laboratory space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center ("SERC") in Edgewater, Maryland. The bill authorizes \$41 million to design and construct the facility. The 52,000-square-foot replacement laboratory will be connected to the existing structure to provide an operationally efficient and environmentally sustainable laboratory facility for SERC's research programs. The project will eliminate the use of temporary, unsafe trailers, address substandard, inefficient laboratory facilities, and will substantially reduce the facility's energy use and maintenance costs.

H.R. 6627 also authorizes the Board of Regents to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute ("STRI") in Gamboa, Panama. The bill authorizes \$14 million to construct the 53,283-square-foot facility. STRI is the principal United States organization devoted to research in tropical biology. This bill provides for construction of a new lab in Gamboa, Panama, on the east bank of the Panama Canal. Gamboa is protected by geography from the encroachment of civilization and pollution and is an excellent location for terrestrial scientific investigation.

Prior Legislative and Oversight Activities

On June 15, 2007, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing entitled "Public and Private Responsibility for Maintaining Our National Treasures: The Smithsonian Institution and the John F. Kennedy Center".

On February 26, 2008, Representative Doris O. Matsui introduced H.R. 5492, to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes. On March 10, 2008, the Committee on Transportation and Infrastructure reported H.R. 5492 favorably to the House by voice vote with a quorum present. On March 11, 2008, the House passed H.R. 5492 by voice vote. To date, the Senate has not taken action on the bill.

H.R. 5492 authorizes \$12 million to construct a new greenhouse facility at the Smithsonian Institution's Suitland, Maryland site. This project includes site preparation, a 10,900-square foot head house, and 44,500-square foot greenhouse, along with outdoor growing and storage areas. To limit design requirements, expedite construction, and reduce costs, the Smithsonian Institution will use off-the-shelf prefabricated building kits to construct the polycarbonate plastic greenhouse.

On July 29, 2008, Chairman Oberstar introduced H.R. 6627, the "Smithsonian Institution Facilities Authorization Act of 2008". This bill has not been introduced in a previous Congress.

Amendments

No amendments are expected at this time.

S. J. RES. 35, TO AMEND PUBLIC LAW 108-331 TO PROVIDE FOR THE CONSTRUCTION AND RELATED ACTIVITIES IN SUPPORT OF THE VERY ENERGETIC RADIATION IMAGING TELESCOPE ARRAY SYSTEM (VERITAS) PROJECT IN ARIZONA

Background

In the 108th Congress, Congress enacted Public Law 108-331, to authorize the Board of Regents to construct the Very Energetic Radiation Imaging Telescope Array System (“VERITAS”) project on Kitt Peak near Tucson, Arizona.

In 1958, the National Science Foundation (“NSF”) and the Papago tribe (now the Tohono O’odam Nation (“TON”)) entered into a perpetual lease of Kitt Peak, Arizona. The lease is conditional upon the use of the site for scientific research. NSF and the Department of Energy (“DOE”) are the lead agencies for the VERITAS project’s construction and will contribute \$13 million of the \$14 million necessary to construct the project. In 2003, NSF subleased land to the Smithsonian Astrophysical Observatory for construction of the VERITAS project in Horseshoe Canyon on Kitt Peak. In 2004, NSF began construction of the project. In 2005, in response to litigation initiated by TON, construction of the VERITAS telescope array came to a halt. Although the case was dismissed, NSF and DOE subsequently determined that the agencies had not complied with National Environmental Protection Act requirements.

Given the uncertainty of construction at the Kitt Peak site, the VERITAS project team began fabricating telescopes at the Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, which is approximately 35 miles from Kitt Peak’s Horseshoe Canyon. The subsequent results of testing and analysis of array data of the telescope at the Whipple Observatory resulted in very high-quality data, on a par with the data expected at the Horseshoe Canyon site. As a result, the VERITAS Science Consortium and Smithsonian Astrophysical Observatory requested that NSF allow the VERITAS telescope to remain at the Whipple Observatory for the rest of its scientific life. In October 2007, NSF granted the Smithsonian Astrophysical Observatory’s request for permanent placement of VERITAS at the Whipple Observatory Base Camp.

The Board of Regents of the Smithsonian Institution requests an amendment to Public Law 108-331 to authorize the Board to locate the VERITAS telescope at Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, or other similar location.

S. J. Res. 35, to amend Public Law 108-331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona

S. J. Res. 35 amends Public Law 108-331 to authorize the Board of Regents of the Smithsonian Institution to locate the VERITAS telescope at Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, or other similar location.

Prior Legislative and Oversight Activities

In the 108th Congress, Congress enacted Public Law 108-331, to authorize the Board of Regents to construct the Very Energetic Radiation Imaging Telescope Array System (“VERITAS”) project on Kitt Peak near Tucson, Arizona.

On June 15, 2007, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing entitled “Public and Private Responsibility for Maintaining Our National Treasures: The Smithsonian Institution and the John F. Kennedy Center”.

On May 22, 2008, Senator Patrick J. Leahy introduced S. J. Res. 35, to amend Public Law 108-331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona.

On July 17, 2008, the Senate passed S. J. Res. 35 by unanimous consent.

On July 21, 2008, the resolution was referred to the Committee on Transportation and Infrastructure.

Amendments

No amendments are expected at this time.

H.R. 6524, TO AUTHORIZE THE ADMINISTRATOR OF GENERAL SERVICES TO TAKE CERTAIN ACTIONS WITH RESPECT TO PARCELS OF REAL PROPERTY LOCATED IN EASTLAKE, OHIO, AND KOOCHICHING COUNTY, MINNESOTA, AND FOR OTHER PURPOSES

Background

H.R. 6524 authorizes the Administrator of General Services to release restrictions contained in the deed that conveyed a parcel of real property to Eastlake, Ohio, in 1964. The 10.8-acre site is the site of the John F. Kennedy Senior Center. The city of Eastlake will pay the General Services Administration (“GSA”) \$30,000 as consideration for release of the property restrictions.

H.R. 6424 also authorizes the Administrator of General Services to convey a parcel of real property to Koochiching County, Minnesota. The 5.8-acre property is located in International Falls, Minnesota, and is the former site of the Koochiching Army Reserve Training Center. Koochiching County will pay GSA \$30,000 as consideration for the real property. GSA will transfer these funds to the Secretary of the Army. The conveyance of the real property is made on the condition that the property will be used for a public purpose.

Prior Legislative and Oversight Activities

On July 16, 2008, Representative Steven C. LaTourette introduced H.R. 6524. This bill has not been introduced in a previous Congress.

Amendments

No amendments are expected at this time.

H.R. 6370, THE "OREGON SURPLUS FEDERAL LAND ACT OF 2008"

Background

H.R. 6370 requires the Commandant of the Coast Guard to transfer the Cape Arago Light Station and the surrounding 24 acres in Coos County, Oregon, to the Secretary of the Interior to hold in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians in Oregon.

The bill requires the Commandant to transfer the Light Station within five years of the date of enactment of this Act. The Coast Guard has been in the process of disposing of its lighthouses over the past decade. H.R. 6370 requires the Light Station to be made available to the general public for educational, park, recreational, cultural, or historic preservation purposes and prohibits any future sale of the property or the conduct of any commercial activities on the property without the approval of the Secretary of the Interior.

Prior Legislative and Oversight Activities

On June 25, 2008, Representative Peter A. DeFazio introduced H.R. 6370. This bill has not been introduced in a previous Congress.

Amendments

No amendments are expected at this time.

S. 2837, TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 225 CADMAN PLAZA EAST, BROOKLYN, NEW YORK, AS THE “THEODORE ROOSEVELT UNITED STATES COURTHOUSE”

Background

S. 2837 designates the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the “Theodore Roosevelt United States Courthouse”.

Theodore Roosevelt was born in New York City on October 27, 1858. In 1880, he graduated *magna cum laude* from Harvard College. After graduating from Harvard, he briefly studied at Columbia Law School before being elected to the New York State Assembly in 1882, at the age of 23. He served in the Assembly for two years, before President Benjamin Harrison appointed him as a member of the United States Civil Service Commission. In 1895, he resigned from the Commission and became President of the New York Board of Police Commissioners. In 1897, President William McKinley appointed him Assistant Secretary of the Navy, where he served for a little more than a year. At the beginning of the Spanish-American War, he left his post as Assistant Secretary to raise a volunteer cavalry regiment for the United States Army. During the Spanish American War, Roosevelt served as Colonel of his regiment, known as “Roosevelt’s Rough Riders”.

In 1898, Roosevelt was elected as the Governor of New York but left office after two years to run for Vice President of the United States, on a ticket headed by William McKinley. President McKinley won the election of 1900 but was assassinated on September 6, 1901. On September 14, 1901, at the age of 42, Roosevelt took the oath of office and became the 26th President of the United States. At that time, he was the youngest person to ever hold the Presidency.

President Roosevelt was elected to a second term in 1904. During his two terms in office, President Roosevelt’s list of achievements include facilitating and ensuring the construction of the Panama Canal, establishing the Department of Commerce and the Department of Labor, signing the Elkins Anti-rebate Act for railroads, and greatly advancing environmental conservation efforts by providing Federal protection for close to 230 million acres of land. He was also awarded the Nobel Peace Prize in 1906, for his work in ending the Russo-Japanese War.

In 1919, at the age of 60, Roosevelt passed away in Oyster Bay, New York.

Prior Legislative and Oversight Activities

On April 9, 2008, Senator Charles E. Schumer introduced S. 2837.

On June 4, 2008, the Committee on Environment and Public Works of the Senate reported S. 2837 favorably to the Senate. On June 24, 2008, the Senate passed S. 2837 by unanimous consent. On June 25, 2008, S. 2837 was referred to the Committee on Transportation and Infrastructure.

Amendments

No amendments are expected at this time.

S. 3009, TO DESIGNATE THE FEDERAL BUREAU OF INVESTIGATION BUILDING UNDER CONSTRUCTION IN OMAHA, NEBRASKA, AS THE “J. JAMES EXON FEDERAL BUREAU OF INVESTIGATION BUILDING”

Background

S. 3009 designates the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the “J. James Exon Federal Bureau of Investigation Building”.

J. James Exon was born on August 9, 1921, in Geddes, South Dakota. After graduating from the University of Omaha, he joined the United States Army Signal Corps, serving two years overseas in New Guinea, the Philippines, and Japan. He was honorably discharged as a Master Sergeant in December of 1945, and served in the Army Reserve until 1949. In 1954, Exon founded Exon’s Incorporated, which became one of Nebraska’s best- known office equipment companies.

J. James Exon’s political career began as a member of the Nebraska Democratic State Central Committee. He was also a member of the Democratic National Committee and went on to Chair the Nebraska Democratic Party from 1968 to 1970. He then served two terms as Governor of Nebraska prior to being elected to the U.S. Senate in 1978. He served three terms in the United States Senate before retiring in 1996. Following his retirement from the Senate, J. James Exon served on the Deutch Commission, which was created by Congress to study the threat of weapons of mass destruction.

Outside of public life, Senator Exon was an active member of the Holy Trinity Episcopal Church in Lincoln, Nebraska. On June 10, 2005, Senator Exon passed away. He is survived by his wife, three children, and eight grandchildren.

Prior Legislative and Oversight Activities

On May 12, 2008, Senator Benjamin E. Nelson introduced S. 3009, to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the “J. James Exon Federal Bureau of Investigation Building”. This bill has not been introduced in a previous Congress.

On June 4, 2008, the Committee on Environment and Public Works of the Senate reported S. 3009 favorably to the Senate.

On June 24, 2008, the Senate passed S. 3009 by unanimous consent. On June 25, 2008, S. 3009 was referred to the Committee on Transportation and Infrastructure.

Amendments

No amendments are expected at this time.

S. 2403, TO DESIGNATE THE NEW FEDERAL COURTHOUSE, LOCATED IN THE 700 BLOCK OF EAST BROAD STREET, RICHMOND, VIRGINIA, AS THE "SPOTTSWOOD W. ROBINSON III AND ROBERT R. MERHIGE, JR. FEDERAL COURTHOUSE"

Background

S. 2403 designates the new U.S. courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R Merhige, Jr. Federal Courthouse".

Spottswood William Robinson III was born in Richmond, Virginia, on July 26, 1916. Robinson attended public schools in Richmond, which were segregated at the time, and graduated from Armstrong High School in 1932. Following high school, he studied at Virginia Union University from 1932 until 1934 and from 1935 until 1936. Judge Robinson entered Howard University School of Law in Washington, D.C., before completing his bachelor's degree, and graduated *magna cum laude* in 1939.

After his graduation, Judge Robinson became a professor at the Howard University School of Law, where he taught for eight years. In the 1940s, he emerged as a prominent civil rights attorney. In 1951, Judge Robinson was appointed Southeast regional counsel for the National Association for the Advancement of Colored People ("NAACP"). Shortly after joining the NAACP, Robinson represented an African-American student in Virginia's Prince Edward County. The lawsuit was eventually combined with the *Brown v. Board of Education* case, which the U.S. Supreme Court agreed to hear in 1954.

In 1961, President John F. Kennedy appointed Judge Robinson to the U.S. Commission on Civil Rights, a six-member bipartisan commission charged with studying civil rights violations in the United States. Judge Robinson was confirmed by the Senate by a vote of 73 to 17. In 1964, President Lyndon B. Johnson appointed Judge Robinson to the District Court and two years later, he became the first African American to serve on the U.S. Court of Appeals for the D.C. Circuit. Judge Robinson served as Chief Judge of the U.S. Court of Appeals from 1981 to 1986, and served on the Court until his retirement in 1992.

On October 11, 1998, Judge Robinson passed away in Richmond, Virginia.

Robert R. Merhige, Jr. was born in Brooklyn, New York, on February 5, 1919. Judge Merhige attended High Point College in North Carolina and received his law degree from University of Richmond's T.C. Williams School of Law in 1942. Upon graduation, he enlisted in the United States Army Air Corps, where he served as a crewman aboard a B-17 bomber based in Italy.

After returning from World War II, Judge Merhige began practicing law and became one of the most formidable lawyers in Virginia. In 1967, President Lyndon B. Johnson appointed Judge Merhige to the District Court. Two weeks into his service on the court, Judge Merhige drew the first of many high-profile cases that became the hallmark of his career. He ordered the release of black activist H. Rap Brown, who was imprisoned in Virginia after making an impassioned and militant speech in Maryland.

Judge Merhige was involved in many high-profile cases during his 31-year tenure on the Federal bench. He wrote the decision for a three-judge panel that threw out the appeals of Watergate figures G. Gordon Liddy, Bernard Barker, and Eugenio Martinez. In 1970, he ordered the University of Virginia to admit women. He clarified the rights of pregnant women to keep their jobs. In 1979, he presided over the trials of Ku Klux Klan and American Nazi Party members accused of injuring and killing members of the Communist Workers Party. He also ordered the integration of dozens of Virginia schools.

On February 18, 2005, Judge Merhige passed away.

Prior Legislative and Oversight Activities

On December 3, 2007, Senator John Warner introduced S. 2403, to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the “Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse”. The bill has not been introduced in a previous Congress.

On June 4, 2008, the Committee on Environment and Public Works of the Senate reported S. 2403 favorably to the Senate.

On June 24, 2008, the Senate passed S. 2403 by unanimous consent. On June 25, 2008, S. 2403 was referred to the Committee on Transportation and Infrastructure.

Amendments

Subcommittee on Economic Development, Public Buildings, and Emergency Management Chairwoman Eleanor Holmes Norton will offer an amendment in the nature of a substitute that makes technical corrections to the bill.

H.R. 4131, TO DESIGNATE A PORTION OF CALIFORNIA STATE ROUTE 91 LOCATED IN LOS ANGELES COUNTY, CALIFORNIA, AS THE "JUANITA MILLENDER-McDONALD HIGHWAY"

Background

H.R. 4131 designates the portion of California State Route 91 located in Los Angeles County, California, from post mile 10.4 to post mile 11.1, as the "Juanita Millender-McDonald Highway".

The designation is a tribute to former Representative Juanita Millender-McDonald, whose long record of public service includes being a member of the Carson City Council, the California State Assembly, and the U.S. House of Representatives. Representative Millender-McDonald served in the U.S. House of Representatives from 1996 until 2007, and became the first African-American woman to chair a full House Committee, the Committee on House Administration.

Representative Millender-McDonald's achievements include establishing the first Memorial Day tribute to women in the military at Arlington National Cemetery and founding the League of African-American Women. Representative Millender-McDonald was a tireless advocate for goods movement in Southern California and she played an instrumental role in support of the Alameda Corridor, I-710, and Alameda Corridor East projects.

Prior Legislative and Oversight Activities

On November 9, 2007, Representative Laura Richardson introduced H.R. 4131. This legislation has not been introduced in a previous Congress.

Amendments

No amendments are expected at this time.

H. RES. 1382, HONORING THE HERITAGE OF THE UNITED STATES COAST GUARD

Background

The United States Coast Guard is an amalgam of many agencies that had multiple missions. For instance, the Act of August 7, 1789 provided that the new Federal Government was authorized to support, maintain, and repair all lighthouses, beacons, and buoys, and specifically authorized construction of the first Federal lighthouse at the mouth of the Chesapeake Bay. The Act of August 4, 1790 authorized the President to build and equip 10 ships to enforce the U.S. customs laws, which became known as the Revenue Cutter Service. Over the past 200 years, other missions have been added including vessel inspection, lifesaving, registration of U.S.-flag vessels, and homeland security.

This resolution recognizes and honors the men and women who serve in the Coast Guard and who served in its predecessor agencies since August 7, 1789.

Prior Legislative and Oversight Activities

On July 29, 2008, Chairman Oberstar introduced H. Res. 1382, honoring the heritage of the United States Coast Guard. This resolution has not been introduced in a prior Congress.

Amendments

No amendments are expected at this time.

H. RES. 1224, COMMENDING THE TENNESSEE VALLEY AUTHORITY ON ITS 75TH ANNIVERSARY

Background

H. Res. 1224 recognizes the 75th Anniversary of the Tennessee Valley Authority (“TVA”) and resolves that the House of Representatives recognizes the TVA for its long and proud history of service in the areas of energy, the environment, and economic development in a service area that includes seven States, including most of Tennessee, Kentucky, Mississippi, Alabama, Georgia, Virginia, and North Carolina.

President Franklin Delano Roosevelt signed the Tennessee Valley Authority Act of 1933, creating TVA. TVA originally relied on Federal appropriations to finance its operations. On August 6, 1959, President Dwight D. Eisenhower signed legislation that amended TVA Act to permit TVA to issue bonds for capital expenditures and making TVA system self-financed.

TVA’s original purposes were to reduce the risk of flood damage, improve navigation on the Tennessee River, provide electric power, and promote “agricultural and industrial development” in the region. TVA continues to manage its resources in an integrated fashion for a wide range of benefits including electric power production, flood control, waterborne commercial transportation, recreation, water supply, and water quality.

TVA is now one of the largest public utilities in the U.S. continuing to provide electricity to 80,000 square miles across seven States.

Prior Legislative and Oversight Activities

On May 22, 2008, Representative Robert E. (“Bud”) Cramer, Jr. introduced H. Res. 1224. This resolution has not been introduced in a previous Congress.

Amendments

No amendments are expected at this time.

H. RES. 1376, COMMEMORATING THE 80TH ANNIVERSARY OF THE OKEECHOBEE HURRICANE OF SEPTEMBER 1928 AND ITS ASSOCIATED TRAGIC LOSS OF LIFE

Background

H. Res. 1376 commemorates the 80th anniversary of the Okeechobee Hurricane of 1928 and resolves that the House of Representatives recognizes the tragic loss of life as a result of the Okeechobee Hurricane of 1928.

The Okeechobee Hurricane, also known as the Hurricane San Felipe Segundo, traveled across the Atlantic Ocean from September 10-20, 1928, making landfall in the United States in West Palm Beach, Florida, on September 16, 1928. The Okeechobee Hurricane was the first hurricane to attain the Category 5 rating for storm intensity. The Okeechobee Hurricane is the second deadliest hurricane in history, killing more than 4,000 people.

Many people who died in the Okeechobee Hurricane died as a result of the storm surge on Lake Okeechobee overwhelming the small dike that surrounded the lake and flooding hundreds of acres. After the hurricane, a series of larger dikes were built around the lake. The Herbert Hoover Dike was the culmination of large dike construction around Lake Okeechobee and was completed in the 1960s. The Herbert Hoover Dike has fallen into disrepair and is now being rehabilitated.

Prior Legislative and Oversight Activities

On July 24, 2008, Representative Alcee L. Hastings introduced H. Res. 1376. This bill has not been introduced in a previous Congress.

Amendments

Subcommittee on Water Resources and Environment Chairwoman Eddie Bernice Johnson will offer an amendment in the nature of a substitute that makes technical corrections to the resolution.