S. 1393

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1393, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program.

S. 1411

At the request of Mr. DODD, his name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1457

At the request of Mr. BUNNING, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1457, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits on its pre-1985 level.

S. 2000

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2000, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 2038

At the request of Mr. BAYH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2038, a bill to amend the Public Health Service Act to provide for influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 2175

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2175, a bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes.

S. 2283

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

At the request of Mr. GREGG, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S . 2283, supra.

S. 2318

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2318, a bill to expand upon the Department of Defense Energy Efficiency Program required by section 317 of the National Defense Authorization Act of 2002 by authorizing the Secretary of Defense to enter into energy savings performance contracts, and for other purposes.

S. 2363

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from New York (Mr. SCHUMER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2363, supra.

S. 2384

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2384, a bill to amend the Small Business Act to permit business concerns that are owned by venture capital operating companies or pension plans to participate in the Small Business Innovation Research Program.

S. 2425

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2438

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2438, a bill to amend title 31, United States Code, to provide Federal Government employees with bid protest rights in actions under Office of Management and Budget Circular A-76, and for other purposes.

S. 2473

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2473, a bill to require payment of appropriated funds that are illegally disbursed for political purposes by the Centers for Medicare and Medicaid Services.

S. CON. RES. 106

At the request of Mr. CAMPBELL, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Con. Res. 106, a concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the names of the Senator from New York (Mrs. CLINTON), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

AMENDMENT NO. 3234

At the request of Mr. NELSON of Florida, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3234 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3242

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3242 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3245

At the request of Mrs. DOLE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3245 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. HOLLINGS, and Ms. CANTWELL):

S. 2488. A bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Marine Debris Research and Reduction Act. From the shore, our oceans seem vast and limitless, but I fear that we often overlook the impacts our actions have on the sea and its resources. The Act that I am introducing today with my friends and colleagues, Senators TED STEVENS, FRITZ HOLLINGS, and MARIA CANTWELL focuses on one particular impact that goes unnoticed by many: marine debris.

In a high-tech era of radiation, carcinogenic chemicals, and human-induced climate change, the problem of the trash produced by ocean-going vessels and dumped at sea must seem old-fashioned by comparison. Sea garbage would seem to be a simple issue that surely cannot rise to the priority level of the stresses our 21st century civilization places on the natural environment.

Regrettably, that perception is wrong. While marine debris includes conventional ''trash,'' it also includes a vast array of additional materials. It is discarded fishing nets and gear. It is cargo washed overboard. It is abandoned equipment from our commercial fleets. Nor does the ''low-tech'' nature of solid refuse diminish its deadly impact on the creatures of the sea. Dead is dead—whether an animal dies from an immune system weakened by toxic chemicals, or drowns entangled in a discarded fishing net.

Global warming, disease, and toxic contamination of our seas has already stressed these fragile ecosystems. These threats have been described in the draft report of the U.S. Commission on Ocean Policy, which also dedicated an entire chapter to the threats posed by marine debris. The bill we introduce today adopts the measures recommended by the Commission to help remove man-made marine debris from the list of ocean threats. It also follows the recommendations of the International Marine Debris Conference held in my home State of Hawaii in 2000.

The bill establishes a Marine Debris Prevention and Removal Program within the National Oceanic and Atmospheric Administration, NOAA, directs the U.S. Coast Guard to improve enforcement of laws designed to prevent ship-based pollution from plastics and other garbage, re-invigorates an interagency committee on marine debris, and improves our research and information on marine debris sources, threats, and prevention.

In Hawaii, we are able to see the impacts of marine debris more clearly than most because of the convergence caused by the North Pacific Tropical High. Atmospheric forces cause ocean surface currents to converge on Hawaii, bringing with them the vast amount of debris floating throughout the Pacific. In 2003 alone, 122 tons of debris were removed from coral reefs in the Northwestern Hawaiian Islands, which is also home to many endangered marine species.

I am pleased that the coordinated approach taken to address the threats posed by marine debris in the Northwestern Hawaiian Islands has provided a model for the Nation. NOAA's Pacific Islands Region Fisheries Science Center is leading this interagency partnership, which also includes the U.S. Fish and Wildlife Service, Hawaii's business and university communities, and conservation groups. Not only have we removed debris that poses harm to endangered species, but with the help of donated services, we have recycled the abandoned nets into energy to power residential homes.

We have learned that our best path to success lies in partnering with one another to share resources, and it is my hope that others may adapt our project to their own shores through the partnership and funding opportunities set forth in this bill. This is why the bill establishes an Interagency Committee on Marine Debris to coordinate marine debris prevention and removal efforts among federal agencies, state governments, universities, and non-governmental organizations.

We must also bear in mind that no matter how zealously we reform our practices, the ultimate solution lies in international cooperation. The oceans connect the coastal nations of the world, and we must work together to reduce this increasing threat to our seas and shores. The Marine Debris Research and Reduction Act will provide the United States with the tools to develop effective marine debris prevention and removal programs on a worldwide basis, including reporting and information requirements that will assist in the creation of an international marine debris database.

I hope you will join me in supporting enactment of the Marine Debris Research and Reduction Act. This bill will provide the United States with the programs and resources necessary to protect our most valuable resources, our oceans. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2488

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Marine Debris Research and Reduction Act''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress makes the following findings:

(1) The oceans, which comprise nearly three quarters of the Earth's surface, are an important source of food and provide a wealth of other natural products that are important to the economy of the United States and the world.

(2) Ocean and coastal areas are regions of remarkably high biological productivity, are of considerable importance for a variety of recreational and commercial activities, and provide a vital means of transportation.

(3) Ocean and coastal resources are limited and susceptible to change as a direct and indirect result of human activities, and such changes can impact the ability of the ocean to provide the benefits upon which the Nation depends.

(4) Marine debris, including plastics, derelict fishing gear, and a wide variety of other objects, has a harmful and persistent effect on marine flora and fauna and can have adverse impacts on human health and navigation safety.

(5) Marine debris is also a hazard to navigation, putting mariners and rescuers, their vessels, and consequently the marine environment at risk, and can cause economic loss due to entanglement of vessel systems.

(6) Modern plastic materials persist for decades in the marine environment and therefore pose the greatest potential for long-term damage to the marine environment.

(7) Lack of knowledge and data on the source, movement, and effects of plastics and other marine debris in marine ecosystems has hampered efforts to develop effective approaches for addressing marine debris.

(8) Lack of resources, priority attention to this issue, and coordination at the Federal level has undermined the development and implementation of a Federal program to address marine debris, both domestically and internationally.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish programs within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with other Federal and non-Federal entities;

(2) to re-establish the Inter-agency Marine Debris Coordinating Committee to ensure a coordinated government response across Federal agencies;

(3) to develop a Federal information clearinghouse to enable researchers to study the scale and impact of marine debris more efficiently; and

(4) to take appropriate action in the international community to prevent marine debris and reduce concentrations of existing debris on a global scale.

**SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(b) PROGRAM COMPONENTS.—Through the Program, the Under Secretary for Oceans and Atmosphere (Under Secretary) shall carry out the following activities:

(1) MAPPING, IDENTIFICATION, IMPACTS, REMOVAL, AND PREVENTION.—The Under Secretary shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources (particularly endangered or protected species) and navigation safety, including—

(A) the establishment of a process for cataloguing and maintaining an inventory of marine debris and its impacts found in the United States navigable waters and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within the United States navigable waters and the United States exclusive economic zone, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan, for removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Under Secretary shall improve efforts and actively seek to prevent and reduce commercial fishing gear losses, as well as to reduce adverse impacts of such gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking and identification of lost gear; and

(B) development of voluntary or mandatory management measures to reduce the loss and discard of commercial fishing gear, such as incentive programs, observer programs, toll-free reporting hotlines, and computer-based notification forms.

(3) OUTREACH.—The Under Secretary shall undertake outreach and education of stakeholders, including the fishing, gear manufacturers, and other marine-dependent industries, on threats associated with marine debris and approaches to identify, prevent, mitigate, monitor, and remove marine debris, including outreach and education activities through public-private initiatives. The Under Secretary shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) GRANTS.—

(1) IN GENERAL.—The Under Secretary shall provide financial assistance, in the form of grants, through the Program for projects to accomplish the purposes of this Act.

(2) 50 PERCENT MATCHING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any project under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Under Secretary may waive all or part of the matching requirement under subparagraph (A) if the Under Secretary determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any natural resource management authority of a State or other government authority whose activities directly or indirectly affect research or regulation of marine debris, and any educational or nongovernmental institutions with demonstrated expertise in a field related to marine debris, are eligible to submit to the Under Secretary a marine debris proposal under the grant program.

(5) GRANT CRITERIA AND GUIDELINES.—Within 180 days after the date of enactment of this Act, the Under Secretary shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. In developing those guidelines, the Under Secretary shall consult with—

(A) the Interagency Marine Debris Committee;

(B) regional fishery management councils established under the Magnuson- Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local entities with marine debris experience;

(D) marine-dependent industries; and

(E) non-governmental organizations involved in marine debris research and mitigation activities (including activities regarding commercial fishing gear).

(6) PROJECT REVIEW AND APPROVAL.—The Under Secretary shall review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of the Act. Not later than 120 days after receiving a project proposal under this section, the Under Secretary shall—

(A) provide for external merit-based peer review of the proposal;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide written notification of that approval or disapproval to the person who submitted the proposal.

(7) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Under Secretary. Each report shall include all information required by the Under Secretary for evaluating the progress and success of the project.

**SEC. 4. COAST GUARD PROGRAM.**

The Commandant of the Coast Guard shall, in cooperation with the Under Secretary, undertake measures to reduce violations of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels. The measures shall include—

(1) the development of a strategy to improve monitoring and enforcement of current laws, as well as recommendations for statutory or regulatory changes to improve compliance and for the development of any appropriate amendments to MARPOL;

(2) regulations to improve the implementation of the requirement of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) that all United States ports and terminals maintain receptacles for disposing of plastics, including measures to ensure that a sufficient quantity of such facilities exist at all such ports and terminals, requirements for logging the waste received, and for Coast Guard comparison of vessel and port log books to determine compliance;

(3) regulations to require vessels, including fishing vessels under 400 gross tons, entering United States ports to maintain records subject to Coast Guard inspection on the disposal of plastics and other garbage, that, at a minimum, include the time, date, type of garbage, quantity, and location of discharge by latitude and longitude or, if discharged on land, the name of the port where such material is offloaded for disposal;

(4) regulations to require United States fishing vessels to report the loss and recovery of fishing gear and to expand to smaller vessels existing requirements to maintain ship-board receptacles and maintain a ship-board waste management plan, taking into account potential economic impacts, technical feasibility, and other factors;

(5) the development, through outreach to commercial vessel operators and recreational boaters, of a voluntary reporting program, along with the establishment of a central reporting location, for incidents of damage to vessels caused by marine debris, as well as observed violations of existing laws and regulations relating to disposal of plastics and other marine debris; and

(6) a voluntary program encouraging United States flag vessels to inform the Coast Guard of any ports in other countries that lack adequate port reception facilities for garbage.

**SEC. 5. INTERAGENCY COORDINATION.**

(a) INTERAGENCY MARINE DEBRIS COMMITTEE ESTABLISHED.—There is established an Interagency Committee on Marine Debris to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, State governments, Indian tribes, and other nations, as appropriate, and to foster cost-effective mechanisms to identify, assess, reduce, and prevent marine debris, including the joint funding of research and mitigation and prevention strategies.

(b) MEMBERSHIP.—The Committee shall include a senior official from—

(1) the National Oceanic and Atmospheric Administration, who shall serve as the chairperson of the Committee;

(2) the United States Coast Guard;

(3) the Environmental Protection Agency;

(4) the United States Navy;

(5) the Maritime Administration of the Department of Transportation;

(6) the National Aeronautics and Space Administration;

(7) the Marine Mammal Commission; and

(8) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

(c) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(d) REPORTING.—

(1) INTERAGENCY REPORT ON MARINE DEBRIS IMPACTS AND STRATEGIES.—Not later than 12 months after the date of the enactment of this Act, the Committee, through the chairperson, and in cooperation with the coastal States, Indian tribes, local governments, and non-governmental organizations, shall complete and submit to the Congress a report examining the ecological and economic impact of marine debris, alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris, and the social and economic costs and benefits of such alternatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall provide recommendations on—

(A) establishing priority areas for action to address leading problems relating to marine debris;

(B) developing an effective strategy and approaches to reducing, removing, and disposing of marine debris, including through private-public partnerships;

(C) providing appropriate infrastructure for effective implementation and enforcement of measures to prevent and remove marine debris, especially the discard and loss of fishing gear;

(D) establishing effective and coordinated education and outreach activities; and

(E) ensuring Federal cooperation with, and assistance to, the coastal States (as defined in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(3) ANNUAL PROGRESS REPORTS.—Not later than 2 years after the date of the enactment of this Act, and every year thereafter, the Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purposes of this Act. The report shall include—

(A) the status of implementation of the recommendations of the Committee and analysis of their effectiveness;

(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3 of this Act, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of United States Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

(e) CONFORMING AMENDMENT.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is repealed.

**SEC. 6. INTERNATIONAL COOPERATION.**

The Interagency Marine Debris Committee shall develop a strategy and pursue in the International Maritime Organization and other appropriate international and regional forums, international action to reduce the incidence of marine debris, including—

(1) the inclusion of effective and enforceable marine debris prevention and removal measures in international and regional agreements, including fisheries agreements and maritime agreements;

(2) measures to strengthen and to improve compliance with MARPOL Annex V;

(3) national reporting and information requirements that will assist in improving information collection, identification and monitoring of marine debris, including plastics and derelict fishing gear;

(4) the establishment of an international database, consistent with the information clearinghouse established under section 7, that will provide current information on location, source, prevention, and removal of marine debris, including fishing gear;

(5) the establishment of public-private partnerships and funding sources for pilot programs that will assist in implementation and compliance with marine debris requirements in international agreements and guidelines;

(6) the identification of possible amendments to and provisions in the International Maritime Organization Guidelines for the Implementation of Annex V of MARPOL for potential inclusion in Annex V; and

(7) when appropriate assist the responsible Federal agency in bilateral negotiations to effectively enforce marine debris prevention.

**SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.**

The Under Secretary, in coordination with the Committee, shall maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested parties to improve source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data. The clearinghouse shall include—

(1) standardized protocols to map locations of commercial fishing and aquaculture activities using Geographic Information System techniques;

(2) a world-wide database which describes fishing gear and equipment, and fishing practices, including information on gear types and specifications;

(3) guidance on the identification of gear fragments; and

(4) the data on mapping and identification of marine debris to be developed pursuant to section 3(b)(1) of this Act.

**SEC. 8. DEFINITIONS.**

In this Act:

(1) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(2) COMMITTEE.—The term ''Committee'' means the Interagency Marine Debris Committee established by section 5 of this Act.

(3) UNITED STATES EXCLUSIVE ECONOMIC ZONE.—The term ''United States exclusive economic zone'' means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as ''eastern special areas'' in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; ANNEX V; CONVENTION.—The terms ''MARPOL'', ''Annex 5'', and ''Convention'' have the meaning given those terms in paragraphs (3) and (4) of section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for fiscal year 2005—

(1) to the Secretary of Commerce for the purpose of carrying out sections 3 and 7 of this Act, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out sections 4 and 6 of this Act, $5,000,000, of which no more than 10 percent may be used for administrative costs.

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By Mr. INOUYE (for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. GREGG, Ms. SNOWE, and Mr. LOTT):

S. 2489. A bill to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise to introduce the Coastal and Ocean Mapping Integration Act of 2004. I am pleased to be joined by Senators GREGG and HOLLINGS, who are original cosponsors of the bill. The jurisdiction of the United States extends 200 miles beyond its coastline and includes the U.S. Territorial Sea and Exclusive Economic Zone, or ''EEZ.'' Regrettably, nearly 90 percent of this expanse remains unmapped by modern technologies, meaning that we have almost no information about a swath of ocean as large as the terra firma of the entire United States.

There was a time in the history of our Nation when our best efforts to map the seas meant lowering weights tied to piano wire over the side of a vessel, and measuring how deep they went. These efforts led to the development of rudimentary nautical charts designed to help mariners navigate safely. The rapidly increasing uses of our coastal and ocean waters, however, call for development of a new generation of ecosystem-oriented mapping and assessment products and services.

The technologies of today create richly layered mapping products that expand far beyond just charting for safe navigation. Now, by combining such information as mineral surveys of the U.S. Geological Service, habitat characterizations of the National Oceanic Atmospheric Administration (NOAA), and watershed assessments of the Environmental Protection Agency into a single product, map users are able to consider the impacts of their actions on multiple facets of the marine environment.

The recent draft report of the U.S. Commission on Ocean Policy has highlighted the urgent need to modernize, improve, expand, and integrate Federal mapping efforts to improve navigation, safety and resource management decisionmaking. By employing integrated mapping approaches, urban and residential growth can be directed away from areas of high risk from ocean-based threats such as tsunami and tidal surge. The risks of maritime activities can be minimized by identifying hazards that could impact on sensitive ecosystems, and devising appropriate mitigation plans. Living marine resource managers can also gauge where and how best to focus their efforts to restore essential marine habitats.

The bill I am introducing today will lay the foundation for producing the ocean maps of the 21st century. It mandates coordination among the many Federal agencies with mapping missions with NOAA as the lead in developing national mapping priorities and strategies. The bill would also establish national hydrographic centers to manage comprehensively the mapping data produced by the Federal Government, encourage innovation in technologies, and authorize the funding necessary to implement this comprehensive effort.

Perhaps the most important lesson that comprehensive, integrated mapping can afford is an awareness of a web of human marine communities as rich and varied as the ocean itself. From awareness grows understanding, respect, and cooperation. I hope that my colleagues will join me in supporting this measure that will, in turn,

support the development of healthy coastal communities across the nation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2489

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Coastal and Ocean Mapping Integration Act''.

**SEC. 2. INTEGRATED COASTAL AND OCEAN MAPPING PROGRAM.**

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish a program to develop, in coordination with the Interagency Committee on Coastal and Ocean Mapping, a coordinated and comprehensive Federal ocean and coastal mapping program for the Great Lakes and Coastal State waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances conservation and management of marine resources, improves decision-making regarding research priorities and the siting of research and other platforms, and advances coastal and ocean science.

(b) PROGRAM PARAMETERS.—In developing such a program, the Administrator shall work with the Committee to—

(1) identify all Federal programs conducting shoreline delineation and coastal or ocean mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) promote cost-effective, cooperative mapping efforts among all Federal coastal and ocean mapping agencies by increasing data sharing, developing data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new coastal and ocean mapping technologies by engaging in cooperative training programs and leveraging agency expertise, nongovernmental organizations, and private sector resources to efficiently meet Federal mapping mandates;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies to the private sector;

(5) centrally archive, manage, and distribute data sets as well as provide mapping products and services to the general public in service of statutory requirements; and

(6) develop specific data presentation methods for use by Federal, State, and other entities that document locations of Federally permitted activities, submerged cultural resources, undersea cables, offshore aquaculture projects, and any areas designated for the purposes of environmental protection or conservation and management of living marine resources.

**SEC. 3. INTERAGENCY COMMITTEE ON COASTAL AND OCEAN MAPPING.**

(a) ESTABLISHMENT.—There is hereby established an Interagency Committee on Coastal and Ocean Mapping.

(b) MEMBERSHIP.—The Committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this Act. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, Minerals Management Service, National Science Foundation, National Geospatial-Intelligence Agency, United States Army Corps of Engineers, United States Coast Guard, Environmental Protection Agency, Federal Emergency Management Agency and National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CHAIRMAN.—The Committee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairman may create subcommittees chaired by any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration.

(d) MEETINGS.—The Committee shall meet on a quarterly basis, but subcommittee or working group meetings shall meet on an as-needed basis.

(e) COORDINATION.—The committee should coordinate activities, when appropriate, with other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee.

**SEC. 4. NOAA INTEGRATED MAPPING INITIATIVE.**

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated coastal and ocean mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all coastal and ocean mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and coastal and ocean science projects;

(2) establish geographic priorities and minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative coastal and ocean mapping technologies and applications through research and development cooperative agreements at joint institutes;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, nongovernmental organizations, and the private sector;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, ships, and aircraft to support a coordinated coastal and ocean mapping program;

(5) identify a centralized mechanism for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration, including—

(A) designating primary data processing centers to maximize efficiency in information technology investment, develop consistency in data processing, and meet Federal mandates for data accessibility; and

(B) designating a repository that is responsible for archiving and managing the distribution of all coastal and ocean mapping data to simplify the provision of services to benefit Federal and State programs; and

(6) set forth a timetable for implementation and completion of the plan, including a schedule for periodic Congressional progress reports, and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT HYDROGRAPHIC CENTERS.—The Secretary is authorized to maintain and operate up to 3 joint hydrographic centers, which shall be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and are authorized to conduct activities necessary to carry out the purposes of this Act, including—

(1) research and development of innovative coastal and ocean mapping technologies, equipment, and data products;

(2) mapping of the United States outer continental shelf;

(3) data processing for non-traditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations and ocean exploration; and

(5) providing graduate education in hydrographic sciences for National Oceanic and Atmospheric Administration Commissioned Officer Corps and civilian personnel.

**SEC. 5. INTERAGENCY PROGRAM REPORTING.**

No later than 18 months after the date of enactment of this Act, and bi-annually thereafter, the Chairman of the Committee shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources a report detailing progress made in implementing the provisions of this Act, including—

(1) an inventory of data within the territorial seas and the exclusive economic zone and throughout the continental shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern coastal and ocean mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of coastal and ocean areas;

(5) a description of any products resulting from coordinated mapping efforts under this Act that improve public understanding of the coasts, oceans, or regulatory decision-making;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public; and

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea; and

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this Act—

(1) $20,000,000 for fiscal year 2005;

(2) $26,000,000 for fiscal year 2006;

(3) $32,000,000 for fiscal year 2007;

(4) $38,000,000 for fiscal year 2008; and

(5) $45,000,000 for each of fiscal years 2009 through 2012.

(b) JOINT HYDROGRAPHIC CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 4(c) of this Act:

(1) $10,000,000 for fiscal year 2005.

(2) $11,000,000 for fiscal year 2006.

(3) $12,000,000 for fiscal year 2006.

(4) $13,000,000 for fiscal year 2006.

(5) $15,000,000 for each of fiscal years 2009 through 2012.

**SEC. 7. DEFINITIONS.**

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COMMITTEE.—The term ''Committee'' means the Interagency Ocean Mapping Committee established by section 3.

(3) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(4) OCEAN AND COASTAL MAPPING.—The term ''ocean and coastal mapping'' means the collection of physical, biological, geological, chemical, and archaeological characteristics of ocean and coastal sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, and direct sampling.

(5) TERRITORIAL SEA.—The term ''territorial sea'' means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

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By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2490. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Ballast Water Management Act of 2004. I am joined by my friend and colleague, Senator TED STEVENS. For some time, we have recognized the impacts of land-based invasive species. In Hawaii, the impacts of such alien species on native species have been among the most significant in the country.

While not as visible, invasive species pose an equally great threat. One of the major ways that aquatic invasives make their way around the globe is through the ballast water used by vessels.

Modern maritime commerce depends on ships stabilized by the uptake and discharge of huge volumes of ocean water for ballast. Regrettably, ships do not transport such water alone—but also the plants and animals, as well as human diseases such as cholera, that it contains. An estimated 10,000 aquatic organisms travel around the globe each day in the ballast water of cargo vessels. Over 2 billion gallons of ballast water are discharged into waters of the United States each year.

From the zebra mussel fouling the facilities and shores of the Great Lakes, to the noxious algae that choke the coral reefs of Hawaii, aquatic invasive species pose a serious threat to delicate marine ecosystems and human health. The economic costs are also staggering—the direct and indirect costs of aquatic invasive species to the economy of the United States amount to billions of dollars each year.

We must find an effective solution to this problem, while at the same time ensuring that our maritime industry can continue to operate in a cost-effective manner. We will need to rely on the steady collaborative efforts of industry, science, government, and coastal communities as we move forward.

The bill I introduce today lays the foundation for such progress. It establishes standards for ballast water treatment that will be effective but on a schedule that our maritime fleet can realistically achieve. It recognizes safety as a paramount concern, and allows flexibility in ballast exchange practices to safeguard vessels and their passengers and crew. Looking to the future, my bill will also encourage the development and adoption of new ballast water treatment technologies, as well as innovative technologies to address other vessel sources of invasives such as hull fouling, through a grant program.

The bill closely tracks and is consistent with an agreement recently negotiated in the International Maritime Organization. It would phase-in ballast water treatment requirements on the same schedule as that adopted by the IMO agreement, and require ballast water exchange to be used until treatment systems are in place. Importantly, the international agreement includes a provision assuring that parties can adopt more stringent measures than those included in the agreement. This provision was sought by the United States and is important to assure the sovereignty of nations in addressing their needs while striving for international cooperation. In light of this provision, the bill includes a standard for treatment that is more effective than that adopted by the international community to ensure that the impacts in the United States are adequately prevented.

I hope that my colleagues will join me in supporting this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2490

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Ballast Water Management Act of 2004''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The introduction of aquatic invasive species into the Nation's waters is one of the most urgent issues facing the marine environment in the United States.

(2) The direct and indirect costs of aquatic invasive species to the economy of the United States amount to billions of dollars per year.

(3) Invasive species are thought to have been involved in 70 percent of the last century's extinctions of native aquatic species.

(4) Invasive aquatic species are a significant problem in all regions of the United States, including Hawaii, Alaska, San Francisco Bay, the Great Lakes, the Southeast, and the Chesapeake Bay.

(5) Ballast water from ships is one of the largest pathways for the introduction and spread of aquatic invasive species.

(6) It has been estimated that some 10,000 non-indigenous aquatic organisms travel around the globe each day in the ballast water of cargo ships.

(7) Over 2 billion gallons of ballast water are discharged in United States waters each year. Ballast water may be the source of the largest volume of foreign organisms released on a daily basis into American ecosystems.

(8) Ballast water has been found to transport not only invasive plants and animals but human diseases as well, such as cholera.

(9) Invasive aquatic species may originate in other countries, or from distinct regions in the United States.

(10) An average of 72 percent of all fish species introduced in the Southeast have become established, many of which are native to the United States but transplanted outside their native ranges.

(11) The introduction of non-indigenous species has been closely correlated with the disappearance of indigenous species in Hawaii and other islands.

(12) Despite the efforts of more than 20 State, Federal, and private agencies, unwanted alien pests are entering Hawaii at an alarming rate——about 2 million times more rapid than the natural rate.

(13) Current Federal programs are insufficient to effectively address this growing problem.

(14) Preventing aquatic invasive species from being introduced is the most cost-effective approach for addressing this issue, because once established, they are costly and sometimes impossible to control.

**SEC. 3. BALLAST WATER MANAGEMENT.**

(a) IN GENERAL.—Section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) is amended to read as follows:

**''SEC. 1101. BALLAST WATER MANAGEMENT.**

''(a) VESSELS TO WHICH SECTION APPLIES.—

''(1) IN GENERAL.—This section applies to a vessel that is designed or constructed to carry ballast water; and

''(A) is a vessel of the United States (as defined in section 2101(46) of title 46, United States Code); or

''(B) is a foreign vessel that is en route to, or has departed from, a United States port.

''(2) EXCEPTIONS.—Notwithstanding paragraph (1), this section does not apply to—

''(A) permanent ballast water in a sealed tank on a vessel that is not subject to discharge;

''(B) a vessel of the Armed Forces; or

''(C) a vessel, or category of vessels, exempted by the Secretary under paragraph (4).

''(3) STANDARDS FOR VESSELS OF THE ARMED FORCES.—With respect to a vessel of the Armed Forces that is designed or constructed to carry ballast water, the Secretary of Defense, after consultation with the Administrator of the Environmental Protection Agency and the Secretary, shall promulgate ballast water and sediment management standards for such vessels that, so far as is reasonable and practicable, achieve environmental results that are comparable to those achieved by the requirements of this section in waters subject to the jurisdiction of the United States. In promulgating those standards, the Secretary of Defense may take into account the standards promulgated for such vessels under section 312 of the Clean Water Act (33 U.S.C. 1322) to the extent that compliance with those standards would meet the requirements of this Act.

''(4) VESSEL EXEMPTIONS BY SECRETARY.—The Secretary may exempt a vessel, or category of vessels, from the application of this section if the Secretary determines, after consultation with the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration, that ballast water discharge from the vessel or category of vessels will not have an adverse impact (as defined in section 1003(1) of this Act), based on factors including the origin and destination of the voyages undertaken by such vessel or category of vessels.

''(5) COAST GUARD ASSESSMENT AND REPORT.—Within 180 days after the date of enactment of the Ballast Water Management Act of 2004, the Commandant of the Coast Guard shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

''(A) an assessment of the magnitude of ballast water operations from vessels designed or constructed to carry ballast water that are not described in paragraph (1) that are transiting waters subject to the jurisdiction of the United States; and

''(B) recommendations, including legislative recommendations if appropriate, of options for addressing such ballast water operations.

''(b) UPTAKE AND DISCHARGE OF BALLAST WATER AND SEDIMENT.—

''(1) PROHIBITION.—Except as provided in this section, no person may uptake or discharge ballast water and sediment from a vessel to which this section applies into waters subject to the jurisdiction of the United States.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to the uptake or discharge of ballast water and sediment in the following circumstances:

''(A) The uptake or discharge is solely for the purpose of—

''(i) ensuring the safety of vessel in an emergency situation; or

''(ii) saving a life at sea.

''(B) The uptake or discharge is accidental and the result of damage to the vessel or its equipment and—

''(i) all reasonable precautions to prevent or minimize ballast water and sediment discharge have been taken before and after the damage occurs, the discovery of the damage, and the discharge; and

''(ii) the owner or officer in charge of the vessel did not willfully or recklessly cause the damage.

''(C) The uptake or discharge is solely for the purpose of avoiding or minimizing the discharge of pollution from the vessel.

''(D) The uptake and subsequent discharge on the high seas of the same ballast water and sediment.

''(E) The uptake or discharge of ballast water and sediment occurs at the same location where the whole of the ballast water and sediment that is discharged was taken up and there is no mixing with unmanaged ballast water and sediment from another area.

''(3) SPECIAL RULE FOR UNITED STATES FLAG VESSELS.—For a vessel described in subsection (a)(1)(A), paragraph (1) of this subsection shall be applied without regard to whether the uptake or discharge occurs in waters subject to the jurisdiction of the United States.

''(4) SPECIAL RULE FOR THE GREAT LAKES.—Paragraph (2) does not apply to a vessel subject to the regulations under subsection (e)(2) until the vessel is required to conduct ballast water treatment in accordance with subsection (f) of this section.

''(c) VESSEL BALLAST WATER MANAGEMENT PLAN.—

''(1) IN GENERAL.—A vessel to which this section applies shall conduct all its ballast water management operations in accordance with a ballast water management plan that—

''(A) meets the requirements prescribed by the Secretary by regulation; and

''(B) is approved by the Secretary.

''(2) APPROVAL CRITERIA.—The Secretary may not approve a ballast water management plan unless the Secretary determines that the plan—

''(A) describes in detail safety procedures for the vessel and crew associated with ballast water management;

''(B) describes in detail the actions to be taken to implement the ballast water management requirements established under this section;

''(C) describes in detail procedures for disposal of sediment at sea and on shore;

''(D) designates the officer on board the vessel in charge of ensuring that the plan is properly implemented;

''(E) contains the reporting requirements for vessels established under this section; and

''(F) meets all other requirements prescribed by the Secretary.

''(3) COPY OF PLAN ON BOARD VESSEL.—The owner or operator of a vessel to which this section applies shall maintain a copy of the vessel's ballast water management plan on board at all times.

''(d) VESSEL BALLAST WATER RECORD BOOK.—

''(1) IN GENERAL.—The owner or operator of a vessel to which this section applies shall maintain a ballast water record book on board the vessel in which—

''(A) each operation involving ballast water is fully recorded without delay, in accordance with regulations promulgated by the Secretary; and

''(B) each such operation is described in detail, including the location and circumstances of, and the reason for, the operation.

''(2) AVAILABILITY.—The ballast water record book—

''(A) shall be kept readily available for examination by the Secretary at all reasonable times; and

''(B) notwithstanding paragraph (1), may be kept on the towing vessel in the case of an unmanned vessel under tow.

''(3) RETENTION PERIOD.—The ballast water record book shall be retained—

''(A) on board the vessel for a period of 2 years after the date on which the last entry in the book is made; and

''(B) under the control of the vessel's owner for an additional period of 3 years.

''(4) REGULATIONS.—In the regulations prescribed under this section, the Secretary shall require, at a minimum, that—

''(A) each entry in the ballast water record book be signed and dated by the officer in charge of the ballast water operation recorded; and

''(B) each completed page in the ballast water record book be signed and dated by the master of the vessel.

''(5) ALTERNATIVE MEANS OF RECORDKEEPING.—The Secretary may provide by regulation for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this subsection.

''(e) BALLAST WATER EXCHANGE REQUIREMENTS.—

''(1) IN GENERAL.—Until a vessel conducts ballast water treatment in accordance with the requirements of subsection (f) of this section, the operator of a vessel to which this section applies may not conduct the uptake or discharge of ballast water unless the operator conducts ballast water exchange, in accordance with regulations prescribed by the Secretary, in a manner that results in an efficiency of at least 95 percent volumetric exchange of the ballast water for each ballast water tank.

''(2) SPECIAL RULE FOR VESSELS IN THE GREAT LAKES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, under regulations prescribed by the Secretary to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels, all vessels equipped with ballast water tanks that enter a United States port on the Great Lakes after operating on the waters beyond the exclusive economic zone shall—

''(i) carry out exchange of ballast water on the waters beyond the exclusive economic zone prior to entry into any port within the Great Lakes; or

''(ii) carry out an exchange of ballast water in other waters where the exchange does not pose a threat of infestation or spread of aquatic nuisance species in the Great Lakes and other waters of the United States, as recommended by the Task Force under section 1102(a)(1).

''(B) ADDITIONAL MATTERS COVERED BY THE REGULATIONS.—The regulations shall—

''(i) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(ii) provide for sampling procedures to monitor compliance with the requirements of the regulations;

''(iii) prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or the Secretary's designee by not later than the departure of that vessel from the first lock in the St. Lawrence Seaway that the vessel has complied with the requirements of the regulations;

''(iv) protect the safety of—

''(I) each vessel; and

''(II) the crew and passengers of each vessel;

''(v) take into consideration different operating conditions; and

''(vi) be based on the best scientific information available.

''(C) HUDSON RIVER PORT.—The regulations under this paragraph also apply to vessels that enter a United States port on the Hudson River north of the George Washington Bridge.

''(D) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance

with the regulations issued under this paragraph.

''(3) EXCHANGE AREAS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), the operator of a vessel to which this section applies shall conduct ballast water exchange in accordance with regulations prescribed by the Secretary—

''(i) at least 200 nautical miles from the nearest land; and

''(ii) in water at least 200 meters in depth.

''(B) MINIMUM DISTANCE AND DEPTH.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), if the operator of a vessel is unable to conduct ballast water exchange in accordance with subparagraph (A), the ballast water exchange shall be conducted in water that is—

''(I) as far as possible from land;

''(II) at least 50 nautical miles from land; and

''(III) in water of at least 200 meters in depth.

''(ii) LIMITATION.—The operator of a vessel may not conduct ballast water exchange in accordance with clause (i) in any area with respect to which the Secretary has determined, after consultation with the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, that ballast water exchange in the area will have an adverse impact, notwithstanding the fact that the area meets the distance and depth criteria of clause (i).

''(C) EXCHANGE IN DESIGNATED AREA.—

''(i) IN GENERAL.—If the operator of a vessel is unable to conduct ballast water exchange in accordance with subparagraph (B), the operator of the vessel may conduct ballast water exchange in an area that does not meet the distance and depth criteria of subparagraph (B) in such areas as may be designated by the Administrator of the National Oceanic and Atmospheric Administration, determined in consultation with the Secretary and the Administrator of the Environmental Protection Agency, for that purpose.

''(ii) CHARTING.—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary, shall designate such areas on nautical charts.

''(iii) LIMITATION.—The Administrator may not designate an area under clause (i) if a ballast water exchange in that area could have an adverse impact, as determined by the Secretary in consultation with the Administrator of the Environmental Protection Agency.

''(D) SAFETY OR STABILITY EXCEPTION.—

''(i) IN GENERAL.—Subparagraphs (A), (B), and (C) do not apply to the discharge or uptake of ballast water if the master of a vessel determines that compliance with subparagraph (A), (B), or (C), whichever applies, would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, ship design or stress, equipment failure, or any other relevant condition.

''(ii) NOTIFICATION REQUIRED.—Whenever the master of a vessel conducts a ballast water discharge or uptake under the exception described in clause (i), the master of the vessel shall notify the Secretary as soon as practicable thereafter but no later than 24 hours after the ballast water discharge or uptake commenced.

''(iii) LIMITATION ON VOLUME.—The volume of any ballast water taken up or discharged under the exception described in clause (i) may not exceed the volume necessary to ensure the safe operation of the vessel.

''(iv) REVIEW OF CIRCUMSTANCES.—If the master of a vessel conducts a ballast water discharge or uptake under the exception described in clause (i) on more than 2 out of 6 sequential voyages, the Secretary shall review the circumstances to determine whether those ballast water discharges or uptakes met the requirements of this subparagraph. The review under this clause shall be in addition to any other enforcement activity by the Secretary.

''(E) INABILITY TO COMPLY WITH EXCHANGE AREA REQUIREMENTS.—

''(i) DEVIATION OR DELAY OF VOYAGE.—In determining the ability of the operator of a vessel to conduct ballast water exchange in accordance with the requirements of subparagraph (A) or (B), a vessel is not required to deviate from its intended voyage or unduly delay its voyage to comply with those requirements.

''(ii) PARTIAL COMPLIANCE.—An operator of a vessel that is unable to comply fully with the requirements of subparagraph (A) or (B), shall conduct ballast water exchange to the maximum extent feasible in compliance with those subparagraphs.

''(F) SPECIAL RULE FOR THE GREAT LAKES.—This paragraph does not apply to vessels subject to the regulations under paragraph (2).

''(f) BALLAST WATER TREATMENT REQUIREMENTS.—

''(1) IN GENERAL.—Subject to the implementation schedule in paragraph (3), before discharging ballast water in waters subject to the jurisdiction of the United States a vessel to which this section applies shall conduct ballast water treatment so that the ballast water discharged will contain—

''(A) less than 0.1 living organisms per cubic meter that are 50 or more micrometers in minimum dimension;

''(B) less than 0.1 living organisms per milliliter that are less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

''(C) concentrations of indicator microbes that are less than—

''(i) 1 colony-forming unit of Toxicogenic vibrio cholera (O1 and O139) per 100 milliliters, or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

''(ii) 126 colony-forming units of escherichi coli per 100 milliliters; and

''(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

''(D) concentrations of such indicator microbes as may be specified in regulations promulgated by the Secretary that are less than the amount specified in those regulations.

''(2) RECEPTION FACILITY EXCEPTION.—Paragraph (1) does not apply to a vessel that discharges ballast water into a reception facility that meets standards prescribed by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, for the reception of ballast water that provide for the reception of ballast water and its disposal or treatment in a way that does not impair or damage the environment, human health, property, or resources. The Secretary may not prescribe such standards that are less stringent than any otherwise applicable Federal, State, or local law requirements.

''(3) IMPLEMENTATION SCHEDULE.—Paragraph (1) applies to vessels in accordance with the following schedule:

''(A) FIRST PHASE.—Beginning January 1, 2009, for vessels constructed on or after that date with a ballast water capacity of less than 5,000 cubic meters.

''(B) SECOND PHASE.—Beginning January 1, 2012, for vessels constructed on or after that date with a ballast water capacity of 5,000 cubic meters or more.

''(C) THIRD PHASE.—Beginning January 1, 2014, for vessels constructed before January 1, 2009, with a ballast water capacity of 1,500 cubic meters or more but not more than 5,000 cubic meters.

''(D) FOURTH PHASE.—Beginning January 1, 2016, for vessels constructed—

''(i) before January 1, 2009, with a ballast water capacity of less than 1,500 cubic meters or 5,000 cubic meters or more; or

''(ii) on or after January 1, 2009, and before January 1, 2012, with a ballast water capacity of 5,000 cubic meters or more.

''(4) REVIEW OF STANDARDS.—

''(A) IN GENERAL.—In December, 2012, and in every third year thereafter, the Secretary shall review the treatment standards established in paragraph (1) of this subsection to determine, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection Agency, if the standards should be revised to reduce the amount of organisms or microbes allowed to be discharged using the best available technology economically available. The Secretary shall revise such standards as necessary by regulation.

''(B) APPLICATION OF ADJUSTED STANDARDS.—In the regulations, the Secretary shall provide for the prospective application of the adjusted standards prescribed under this paragraph to vessels constructed after the date on which the adjusted standards apply and for an orderly phase-in of the adjusted standards to existing vessels.

''(5) DELAY OF APPLICATION FOR VESSEL PARTICIPATING IN PROMISING TECHNOLOGY EVALUATIONS.—

''(A) IN GENERAL.—If a vessel participates in a program approved by the Secretary to test and evaluate promising ballast water treatment technologies with the potential to result in treatment technologies achieving a standard that is the same as or more stringent than the standard that applies under paragraph (1) before the first date on which paragraph (1) applies to that vessel, the Secretary may postpone the date on which paragraph (1) would otherwise apply to that vessel for not more than 5 years.

''(B) VESSEL DIVERSITY.—The Secretary—

''(i) shall seek to ensure that a wide variety of vessel types and voyages are included in the program; but

''(ii) may not grant a delay under this paragraph to more than 1 percent of the vessels to which subparagraph (A), (B), (C), or (D) of paragraph (3) applies.

''(C) TERMINATION OF POSTPONEMENT.—The Secretary may terminate the 5-year postponement period if participation of the vessel in the program is terminated without the consent of the Secretary.

''(6) FEASIBILITY REVIEW.—

''(A) IN GENERAL.—Not less than 2 years before the date on which paragraph (1) applies to vessels under each subparagraph of paragraph (3), the Secretary shall complete a review to determine whether appropriate technologies are available to achieve the standards set forth in paragraph (1) for the vessels to which they apply under the schedule set forth in paragraph (3).

''(B) DELAY IN SCHEDULED APPLICATION.—If the Secretary determines, on the basis of the review conducted under subparagraph (A), that compliance with the standards set forth in paragraph (1) in accordance with the schedule set forth in any subparagraph of paragraph (3) is not feasible, the Secretary shall—

''(i) extend the date on which that subparagraph first applies to vessels for a period of not more than 36 months; and

''(ii) recommend action to ensure that compliance with the extended date schedule for that subparagraph is achieved.

''(7) TREATMENT SYSTEM APPROVAL REQUIRED.—The operator of a vessel may not use a ballast water treatment system to

comply with the requirements of this subsection unless the system is approved by the Secretary. The Secretary shall promulgate regulations establishing a process for such approval.

''(g) WARNINGS CONCERNING BALLAST WATER UPTAKE.—

''(1) IN GENERAL.—The Secretary shall notify mariners of any area in waters subject to the jurisdiction of the United states in which vessels should not uptake ballast water due to known conditions.

''(2) CONTENTS.—The notice shall include—

''(A) the coordinates of the area; and

''(B) if possible, the location of alternative areas for the uptake of ballast water.

''(h) SEDIMENT MANAGEMENT.—

''(1) IN GENERAL.—The operator of a vessel to which this section applies may not remove or dispose of sediment from spaces designed to carry ballast water except in accordance with this subsection and the ballast water management plan required under subsection (c).

''(2) DESIGN REQUIREMENTS.—

''(A) NEW VESSELS.—No person may remove and dispose of such sediment from a vessel to which this section applies in waters subject to the jurisdiction of the United States that is constructed on or after January 1, 2009, unless the vessel is designed and constructed in a manner that—

''(i) minimizes the uptake and entrapment of sediment;

''(ii) facilitates removal of sediment; and

''(iii) provides for safe access for sediment removal and sampling.

''(B) EXISTING VESSELS.—The operator of a vessel to which this section applies that was constructed before January 1, 2009, may not remove and dispose of such sediment in waters subject to the jurisdiction of the United States unless—

''(i) the vessel has been modified, to the extent practicable and in accordance with regulations promulgated by the Secretary, to achieve the objectives described in clauses (i), (ii), and (iii) of subparagraph (A); or

''(ii) the removal and disposal of the sediment is conducted in such a manner as to achieve those objectives to the greatest extent practicable and in accordance with those regulations.

''(C) REGULATIONS.—The Secretary shall promulgate regulations establishing design and construction standards to achieve the objectives of subparagraph (A) and providing guidance for modifications and practices under subparagraph (B). The Secretary shall incorporate the standards and guidance in the regulations governing the ballast water management plan.

''(3) SEDIMENT RECEPTION FACILITIES.—

''(A) STANDARDS.—The Administrator of the Environmental Protection Agency in consultation with the Secretary, shall promulgate regulations governing facilities for the reception of vessel sediment from spaces designed to carry ballast water that provide for the disposal of such sediment in a way that does not impair or damage the environment, human health, or property or resources of the disposal area. The Administrator may not prescribe standards under this subparagraph that are less stringent than any otherwise applicable Federal, State, or local law requirements.

''(B) DESIGNATION.—The Secretary shall designate facilities for the reception of vessel sediment that meet the requirements of the regulations promulgated under subparagraph (A) at ports and terminals where ballast tanks are cleaned or repaired.

''(i) EXAMINATIONS AND CERTIFICATIONS.—

''(1) INITIAL EXAMINATION.—

''(A) IN GENERAL.—The Secretary shall examine vessels to which this section applies to determine whether—

''(i) there is a ballast water management plan for the vessel; and

''(ii) the equipment used for ballast water and sediment management in accordance with the requirements of this section and the regulations promulgated hereunder is installed and functioning properly.

''(B) NEW VESSELS.—For vessels constructed on or after January 1, 2009, the Secretary shall conduct the examination required by subparagraph (A) before the vessel is placed in service.

''(C) EXISTING VESSELS.—For vessels constructed before January 1, 2009, the Secretary shall—

''(i) conduct the examination required by subparagraph (A) before the date on which subsection (f)(1) applies to the vessel according to the schedule in subsection (f)(3); and

''(ii) inspect the vessel's ballast water record book required by subsection (d).

''(2) SUBSEQUENT EXAMINATIONS.—The Secretary shall examine vessels no less frequently than once each year to ensure vessel compliance with the requirements of this section.

''(3) INSPECTION AUTHORITY.—In order to carry out the provisions of this section, the Secretary may take ballast water samples at any time on any vessel to which this section applies to ensure its compliance with this Act.

''(4) REQUIRED CERTIFICATE.—

''(A) IN GENERAL.—If, on the basis of an initial examination under paragraph (1) the Secretary finds that a vessel complies with the requirements of this section and the regulations promulgated hereunder, the Secretary shall issue a certificate under this paragraph as evidence of such compliance. The certificate shall be valid for a period of not more than 5 years, as specified by the Secretary. The certificate or a true copy shall be maintained on board the vessel.

''(B) FOREIGN CERTIFICATES.—The Secretary may treat a certificate issued by a foreign government as a certificate issued under subparagraph (A) if the Secretary determines that the standards used by the issuing government are equivalent to or more stringent than the standards used by the Secretary under subparagraph (A).

''(5) NOTIFICATION OF VIOLATIONS.—If the Secretary finds, on the basis of an examination under paragraph (1) or (2), sampling under paragraph (3), or any other information, that a vessel is being operated in violation of the requirements of this section and the regulations promulgated hereunder, the Secretary shall—

''(A) notify—

''(i) the master of the vessel; and

''(ii) the captain of the port at the vessel's next port of call; and

''(B) take such other action as may be appropriate.

''(j) DETENTION OF VESSELS.—

''(1) IN GENERAL.—The Secretary, by notice to the owner, charterer, managing operator, agent, master, or other individual in charge of a vessel, may detain that vessel if the Secretary has reasonable cause to believe that—

''(A) the vessel is a vessel to which this section applies;

''(B) the vessel does not comply with the requirements of this section or of the regulations issued hereunder or is being operated in violation of such requirements; and

''(C) the vessel is about to leave a place in the United States.

''(2) CLEARANCE.—

''(A) IN GENERAL.—A vessel detained under paragraph (1) may obtain clearance under section 4197 of the Revised Statutes (46 U.S.C. App. 91) only if the violation for which it was detained has been corrected.

''(B) WITHDRAWAL.—If the Secretary finds that a vessel detained under paragraph (1) has received a clearance under section 4197 of the Revised Statutes (46 U.S.C. App. 91) before it was detained under paragraph (1), the Secretary shall request the Secretary of the Treasury to withdraw the clearance. Upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance.

''(k) SANCTIONS.—

''(1) CIVIL PENALTIES.—Any person who violates a regulation promulgated under this section shall be liable for a civil penalty in an amount not to exceed $25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subsection for that violation.

''(2) CRIMINAL PENALTIES.—Any person who knowingly violates the regulations promulgated under this section is guilty of a class C felony.

''(3) REVOCATION OF CLEARANCE.—Except as provided in subsection (j)(2), upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 4197 of the Revised Statutes (46 U.S.C. App. 91), if the owner or operator of that vessel is in violation of the regulations issued under this section.

''(4) EXCEPTION TO SANCTIONS.—This subsection does not apply to a failure to exchange ballast water if—

''(A) the master of a vessel, acting in good faith, decides that the exchange of ballast water will threaten the safety or stability of the vessel, its crew, or its passengers; and

''(B) the recordkeeping and reporting requirements of the Act are complied with.

''(l) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines issued and regulations promulgated under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico, and any other government of a foreign country that the Secretary, in consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

''(m) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the International Maritime Organization of the United Nations and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species. The Secretary is particularly encouraged to seek bilateral or multilateral agreements with Canada, Mexico, and other nations in the Wider Caribbean (as defined in the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean (Cartagena Convention) under this section.

''(n) NON-DISCRIMINATION.—The Secretary shall ensure that vessels registered outside of the United States do not receive more favorable treatment than vessels registered in the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.

''(o) SUPPORT FOR FEDERAL BALLAST WATER DEMONSTRATION PROJECT.—In addition to amounts otherwise available to the Maritime Administration, the National Oceanographic and Atmospheric Administration, and the United States Fish and Wildlife Service for the Federal Ballast Water Demonstration Project, the Secretary shall provide support for the conduct and expansion

of the project, including grants for research and development of innovative technologies for the management, treatment, and disposal of ballast water and sediment, for ballast water exchange, and for other vessel vectors of invasive aquatic species such as hull fouling. There are authorized to be appropriated to the Secretary $25,000,000 for each fiscal year to carry out this subsection.

''(p) CONSULTATION WITH TASK FORCE.—The Secretary shall consult with the Task Force in carrying out this section.

''(q) PREEMPTION.—Notwithstanding any other provision of law, the provisions of subsections (e) and (f) (other than subsection (f)(2)) supersede any provision of State or local law determined by the Secretary to be inconsistent with the requirements of that subsection or to conflict with the requirements of that subsection.

''(r) REGULATIONS.—The Secretary may issue such regulations as may be necessary to carry out this section and the terms defined in section 1003 that are used in this section.''.

(b) DEFINITIONS.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by redesignating—

(A) paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) paragraphs (4), (5), (6), (7), and (8) as paragraphs (8), (9), (10), (11), and (12), respectively;

(C) paragraphs (9) and (10) as paragraphs (14) and (15) respectively;

(D) paragraphs (11) and (12) as paragraphs (17) and (18), respectively;

(E) paragraphs (13), (14), and (15) as paragraphs (20), (21), and (22), respectively;

(F) paragraph (16) as paragraph (26); and

(G) paragraph (17) as paragraph (23) and inserting it after paragraph (22), as redesignated;

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) 'adverse impact' means the direct or indirect result or consequence of an event or process that—

''(A) creates a hazard to the environment, human health, property, or a natural resource;

''(B) impairs biological diversity; or

''(C) interferes with the legitimate use of waters subject to the jurisdiction of the United States;'';

(3) by striking paragraph (4), as redesignated, and inserting the following:

''(4) 'ballast water'—

''(A) means water taken on board a vessel to control trim, list, draught, stability, or stresses of the vessel, including matter suspended in such water; but

''(B) does not include potable or technical water that does not contain harmful aquatic organisms or pathenogens that is taken on board a vessel and used for a purpose described in subparagraph (A) if such potable or technical water is discharged in compliance with section 312 of the Clean Water Act (33 U.S.C. 1322);'';

(4) by inserting after paragraph (4) the following:

''(5) 'ballast water capacity' means the total volumetric capacity of any tanks, spaces, or compartments on a vessel that is used for carrying, loading, or discharging ballast water, including any multi-use tank, space, or compartment designed to allow carriage of ballast water;

''(6) 'ballast water management' means mechanical, physical, chemical, and biological processes used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediment;

''(7) 'constructed' means a state of construction of a vessel at which—

''(A) the keel is laid;

''(B) construction identifiable with the specific vessel begins;

''(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

''(D) the vessel undergoes a major conversion;'';

(5) by inserting after paragraph (12), as redesignated, the following:

''(13) 'harmful aquatic organisms and pathogens' means aquatic organisms or pathogens that have been determined by the Secretary, after consultation with the Administrator of the National Oceanographic and Atmospheric Administration and the Administrator of the Environmental Protection Agency, to cause an adverse impact if introduced into the waters subject to the jurisdiction of the United States;'';

(6) by inserting after paragraph (15), as redesignated, the following:

''(16) 'major conversion' means a conversion of a vessel, that—

''(A) changes its ballast water carrying capacity by at least 15 percent;

''(B) changes the vessel class;

''(C) is projected to prolong the vessel's life by at least 10 years (as determined by the Secretary); or

''(D) results in modifications to the vessel's ballast water system, except—

''(i) component replacement-in-kind; or

''(ii) conversion of a vessel to meet the requirements of section 1101(e);'';

(7) by inserting after paragraph (18), as redesignated, the following:

''(19) 'sediment' means matter that has settled out of ballast water within a vessel;'';

(8) by inserting after paragraph (23), as redesignated, the following:

''(24) 'United States port' means a port, river, harbor, or offshore terminal under the jurisdiction of the United States, including ports located in Puerto Rico, Guam, the Northern Marianas, and the United States Virgin Islands;

''(25) 'vessel of the Armed Forces' means—

''(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

''(B) any vessel owned or operated by the Department of Homeland Security that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A);''; and

(9) by inserting after paragraph (26), as redesignated, the following:

''(27) 'waters subject to the jurisdiction of the United States' means navigable waters and the territorial sea of the United States, the exclusive economic zone, and the Great Lakes.''.

(c) GREAT LAKES REGULATIONS.—Until vessels described in section 1101(e)(2) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711(e)(2)), as amended by this Act, are required to conduct ballast water treatment in accordance with the requirements of section 1101(f) of that Act (16 U.S.C. 1101(f)), as amended by this Act, the regulations promulgated by the Secretary of Transportation under section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711), as such regulations were in effect on the day before the date of enactment of this Act, shall remain in full force and effect for, and shall continue to apply to, such vessels.

**SEC. 4. COAST GUARD REPORT ON OTHER VESSEL-RELATED VECTORS OF INVASIVE SPECIES.**

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on vessel-related vectors of harmful aquatic organisms and pathogens other than ballast water and sediment, including vessel hulls and equipment, and from vessels equipped with ballast tanks that carry no ballast water on board.

(b) BEST PRACTICES.—As soon as practicable, the Coast Guard shall develop best practices standards and procedures designed to reduce the introduction of invasive species into and within the United States from vessels and establish a timeframe for implementation of those standards and procedures by vessels, in addition to the mandatory requirements set forth in section 1101 for ballast water. Such standards and procedures should include designation of geographical locations for uptake and/or discharge of untreated ballast water, as well as standards and procedures for other vessel vectors of invasive aquatic species. The Commandant shall transmit a report to the Committees describing the standards and procedures developed and the implementation timeframe, together with any recommendations, including legislative recommendations if appropriate, the Commandant deems appropriate. The Secretary of the department in which the Coast Guard is operating may promulgate regulations to incorporate and enforce standards and procedures developed under this subsection.

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By Ms. CANTWELL (for herself, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 2491. A bill to amend the Public Health Service Act to promote and improve the allied health professors; to the Committee on Health, Education, Labor, and Pensions.

Ms. CANTWELL. Mr. President, the well-being of the U.S. population depends to a considerable extent on having access to high quality health care which, in turn, requires the presence of an adequate supply of health care professionals. The Congress and the President recognized this need when we passed, and President Bush signed, the Nurse Reinvestment Act in the 107th Congress. Just as with nurses, we must also insure an adequate supply of well-prepared allied health professionals. That is why, today, I am introducing the Allied Health Reinvestment Act with my good colleagues, Senator BINGAMAN of New Mexico and Senator LIEBERMAN of Connecticut.

The allied health professions are many. Those recognized in the act include professionals in the areas of: dental hygiene, dietetics/nutrition, emergency medical services, health information management, clinical laboratory sciences/medical technology, cytotechnology, occupational therapy, physical therapy, radiologic technology, nuclear medical technology, rehabilitation counseling, respiratory therapy, and speech-language pathology/audiology. This is not an exhaustive list, as the act will leave to the discretion of the Secretary of HHS additional professions deemed eligible.

Today, many allied health professions are characterized by existing workforce shortages, declining enrollments in academic institutions, or a

combination of both factors. The American Hospital Association (AHA) reports vacancy rates of 18 percent among radiology technicians, ten percent among laboratory technologists, 15.3 percent among imaging technicians, and 12.7 percent among pharmacy technicians. In addition, the AHA indicates that hospitals are having increasing difficulties recruiting these same professionals over the preceding two-year period.

In my own State of Washington, the Washington State Hospital Association reports vacancy rates of 14.3 percent among ultrasound technologists, 11.3 percent among radiology technicians, and 10.9 percent among nuclear medicine technologists. These vacancy rates have a real effect on the hospitals in my State. When I meet with hospital officials back home, they always tell me how the lack of technicians affects patient care.

The Bureau of Labor Statistics projected that in the period 1998–2008, the United States would need a total of 93,000 new professionals in clinical laboratory science by creating 53,000 new positions and filling the 40,000 existing vacancies. That averages 9,000 openings per year for technicians, and yet academic institutions are producing only 4,990 graduates annually. If these numbers stay constant, we will be short by 43,100 needed technicians in 2008.

According to the American Hospital Association, declining enrollment in health education programs contributes to the critical shortages of health care professionals. Similarly, data from a November 2002 study of 90 institutions by the Association of Schools of Allied Health Professionals (ASAHP) shows a three-year period of decline in enrollment in cardiovascular perfusion technology, cytotechnology, dietetics, emergency medical sciences, health administration, health information management, medical technology, occupational therapy, rehabilitation counseling, respiratory therapy, and respiratory therapy technician programs. As an indication of a worsening situation, data from the 2002–2003 academic year, alone, show that dental hygiene, physician assistant, and speech-language pathology and audiology should be added to this list.

While having an adequate number of health professionals in our country is key to ensuring access to health care for all of us, certainly one of the key populations for whom a healthy supply of health professionals is vitally important for is our senior population.

The U.S. Census Bureau reports that rapid growth of the population age 65 and over will begin in 2011 when the first of the baby boom generation reaches age 65 and will continue for many years. From 1900 to 2000, the proportion of persons 65 and over tripled, going from 4.1 percent to 12.4 percent.

The baby-boom generation's movement into middle age, a period when the incidence of heart attack and stroke increases, will produce a higher demand for therapeutic services. Medical advances now enable more patients with critical problems to survive, but in order to do so and maintain a high quality of life, these patients may need extensive therapy.

Along with the aging of the population came an increase in the number of Americans living with one, and often more than one, chronic condition. Today, it is estimated that 125 million Americans live with a chronic condition, and by 2020 as the population ages, that number will increase to an estimated 157 million, with 81 million of them having two or more chronic conditions. Twenty-five percent of individuals with chronic conditions have some type of activity limitations. Two-thirds of Medicare spending is for beneficiaries with five or more chronic conditions.

Many individuals with chronic conditions rely on family caregivers. Approximately nine million Americans provide such services, and on the average, they spend 24 hours a week doing so. Caregivers aged 65–74 provide an average of 30.7 hours of care per week and individuals aged 75 and older provide an average of 34.5 hours per week.

Women are more likely than men to have chronic conditions, in part because they have longer life expectancies. These same women are caregivers to other chronically ill persons. In addition, 65 percent of caregivers are female, and of all caregivers, nearly 40 percent are 55 years of age and older.

Physicians report that their training does not adequately prepare them to care for this type of patient by providing education and offering effective nutritional guidance. Those aspects of care can be provided by allied health professionals, but many of them need better preparation to treat and coordinate care for patients with chronic conditions. While much emphasis is placed on curative forms of care, additional efforts must be devoted to slowing the progression of disease and its effects.

One example of the effectiveness of allied health interventions may be illustrated by a study funded by the National Institute on Aging, the National Center for Medical Rehabilitation Research, and the Agency for Health Care Policy and Research (since renamed the Agency for Healthcare Research and Quality). The investigation showed that significant benefits resulted from a nine-month occupational therapy intervention intended to reduce health-related declines among urban, multi-ethnic, independent-living older adults. The majority of study participants, 73 percent, lived alone and 26 percent reported at least one disability. Important health-related benefits attributable to the intervention continued over a six-month interval in the absence of further treatment.

The bill I and my colleagues introduce today, like the Nurse Reinvestment Act in the 107th Congress, is intended to provide incentives for individuals to seek and complete high quality allied health education and training. Furthermore, the bill will provide additional funding to ensure that such education and training can be provided to allied health students so that the U.S. healthcare industry will have a supply of allied health professionals needed to support the nation's health care system in this decade and beyond.

The bill offers allied health education, practice, and retention grants. Education grants will be used to expand the enrollment in allied health education programs, especially by underrepresented racial and ethnic minority students, and provide educational opportunities through new technologies and methods, including distance-learning. Practice grants are intended to establish or expand allied health practice arrangements in non-institutional settings to demonstrate methods that will improve access to primary health care in rural areas and other medically underserved communities. Retention grants are intended to promote career advancement for allied health personnel.

Grants will also be made available to health care facilities to enable them to carry out demonstrations of models and best practices in allied health for the purpose of developing innovative strategies or approaches for retention of allied health professionals. These grants will be awarded to a variety of geographic regions, and to a range of different types and sizes of facilities, including facilities located in rural, urban, and suburban areas.

Furthermore, this bill will give the Secretary of HHS, acting through the Administrator of HRSA, the authority to enter into an agreement with any institution that offers an eligible allied health education program to establish and operate a faculty loan fund to increase the number of qualified allied health faculty. Loans may be granted to faculty who are pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program.

I am especially proud of the provisions of this legislation regarding the National Health Service Corps program, the brain child of Senator Warren Magnuson of Washington. The NHSC program, of course, encourages students in the health professions such as doctors and dentists to serve in underserved areas throughout our Nation in return for loan repayment assistance. And, like the NHSC program, this Allied Health Reinvestment Act will establish a scholarship program that provides scholarships to individuals seeking allied health education in exchange for service by those individuals in rural and other medically underserved areas with allied health personnel shortages.

There are a number of organizations supporting this bill, and I thank them for that support. Among them, the list includes, but is not limited to:

Washington State Hospital Association
Health Work Force Institute (Seattle, WA)
American Association for Respiratory Care
American Association of Community Colleges
American Clinical Laboratory Association
American Dental Hygienists' Association
American Dietetic Association
American Health Information Management Association
American Physical Therapy Association
American Society for Clinical Laboratory Science
American Society for Clinical Pathology
American Society of Radiologic Technologists
Association of Academic Health Centers
College of Health Deans
Midwest Regional Deans Group
Myositis Association
National Association of EMS Educators
National Cancer Registrars Association
National Network of Health Career Programs in Two-Year Colleges
Northeast Regional Deans Group

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2491

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Allied Health Reinvestment Act''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Census Bureau and other reports highlight the increased demand for acute and chronic healthcare services among both the general population and a rapidly growing aging portion of the population.

(2) The calls for reduction in medical errors, increased patient safety, and quality of care have resulted in an amplified call for allied health professionals to provide healthcare services.

(3) Several allied health professions are characterized by workforce shortages, declining enrollments in allied health education programs, or a combination of both factors, and hospital officials have reported vacancy rates in positions occupied by allied health professionals.

(4) Many allied health education programs are facing significant economic pressure that could force their closure due to an insufficient number of students.

(b) PURPOSE.—It is the purpose of this Act to provide incentives for individuals to seek and complete high quality allied health education and training and provide additional funding to ensure that such education and training can be provided to allied health students so that the United States healthcare industry with have a supply of allied health professionals needed to support the health care system of the United States in this decade and beyond.

**SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.**

Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended by adding at the end the following:

**''PART G—ALLIED HEALTH PROFESSIONALS**

**''SEC. 799C. DEFINITIONS.**

''In this part:

''(1) ALLIED HEALTH EDUCATION PROGRAM.—The term 'allied health education program' means any postsecondary educational program offered by an institution accredited by an agency or commission recognized by the Department of Education, or leading to a State certificate or license or any other educational program approved by the Secretary. Such term includes colleges, universities, or schools of allied health and equivalent entities that include programs leading to a certificate, associate, baccalaureate, or graduate level degree in an allied health profession.

''(2) ALLIED HEALTH PROFESSIONS.—The term 'allied health professions' includes professions in the following areas at the certificate, associate, baccalaureate, or graduate level:

''(A) Dental hygiene.

''(B) Dietetics or nutrition.

''(C) Emergency medical services.

''(D) Health information management.

''(E) Clinical laboratory sciences and medical technology.

''(F) Cytotechnology.

''(G) Occupational therapy.

''(H) Physical therapy.

''(I) Radiologic technology.

''(J) Nuclear medical technology.

''(K) Rehabilitation counseling.

''(L) Respiratory therapy.

''(M) Speech-language pathology and audiology.

''(N) Any other profession determined appropriate by the Secretary.

''(3) HEALTH CARE FACILITY.—The term 'health care facility' means an outpatient health care facility, hospital, nursing home, home health care agency, hospice, federally qualified health center, nurse managed health center, rural health clinic, public health clinic, or any similar healthcare facility or practice that employs allied health professionals.

**''SEC. 799C–1. PUBLIC SERVICE ANNOUNCEMENTS.**

''The Secretary shall develop and issue public service announcements that shall—

''(1) advertise and promote the allied health professions;

''(2) highlight the advantages and rewards of the allied health professions; and

''(3) encourage individuals from diverse communities and backgrounds to enter the allied health professions.

**''SEC. 799C–2. STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.**

''(a) IN GENERAL.—The Secretary shall award grants to designated eligible entities to support State and local advertising campaigns that are conducted through appropriate media outlets (as determined by the Secretary) to—

''(1) promote the allied health professions;

''(2) highlight the advantages and rewards of the allied health professions; and

''(3) encourage individuals from disadvantaged communities and backgrounds to enter the allied health professions.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be a professional, national, or State allied health association, State health care provider, or association of one or more health care facilities, allied health education programs, or other entities that provides similar services or serves a like function; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

**''SEC. 799C–3. ALLIED HEALTH RECRUITMENT GRANT PROGRAM.**

''(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to increase allied health professions education opportunities.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be a professional, national, or State allied health association, State health care provider, or association of one or more health care facilities, allied health education programs, or other eligible entities that provides similar services or serves a like function; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant under subsection (a) to—

''(1) support outreach programs at elementary and secondary schools that inform guidance counselors and students of education opportunities regarding the allied health professions;

''(2) carry out special projects to increase allied health education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities that are underrepresented among the allied health professions) by providing student scholarships or stipends, pre-entry preparation, and retention activities;

''(3) provide assistance to public and nonprofit private educational institutions to support remedial education programs for allied health students who require assistance with math, science, English, and medical terminology;

''(4) meet the costs of child care and transportation for individuals who are taking part in an allied health education program at any level; and

''(5) support community-based partnerships seeking to recruit allied health professionals in rural communities and medically underserved urban communities, and other communities experiencing an allied health professions shortage.

**''SEC. 799C–4. GRANTS FOR HEALTH CAREER ACADEMIES.**

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to assist such entities in collaborating to carry out programs that form education pipelines to facilitate the entry of students of secondary educational institutions, especially underrepresented racial and ethnic minorities, into careers in the allied health professions.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be an institution that offers allied health education programs, a health care facility, or a secondary educational institution; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

**''SEC. 799C–5. ALLIED HEALTH EDUCATION, PRACTICE, AND RETENTION GRANTS.**

''(a) EDUCATION PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities to—

''(1) expand the enrollment of individuals in allied health education programs, especially the enrollment of underrepresented racial and ethnic minority students; and

''(2) provide education through new technologies and methods, including distance-learning methodologies.

''(b) PRACTICE PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities to—

''(1) establish or expand allied health practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in rural areas and other medically underserved communities;

''(2) provide care for underserved populations and other high-risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, the homeless, and victims of domestic violence;

''(3) provide managed care, information management, quality improvement, and other skills needed to practice in existing and emerging organized health care systems; or

''(4) develop generational and cultural competencies among allied health professionals.

''(c) RETENTION PRIORITY AREAS.—

''(1) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to enhance the allied health professions workforce by initiating and maintaining allied health retention programs described in paragraph (2) or (3).

''(2) GRANTS FOR CAREER LADDER PROGRAMS.—The Secretary may award grants to and enter into contracts with eligible entities for programs—

''(A) to promote career advancement for allied health personnel in a variety of training settings, cross training or specialty training among diverse population groups, and the advancement of individuals; and

''(B) to assist individuals in obtaining the education and training required to enter the allied health professions and advance within such professions, such as by providing career counseling and mentoring.

''(3) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—

''(A) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of allied health professionals and to enhance patient care that is directly related to allied health activities by enhancing collaboration and communication among allied health professionals and other health care professionals, and by promoting allied health involvement in the organizational and clinical decision-making processes of a health care facility.

''(B) PREFERENCE.—In making awards of grants under this paragraph, the Secretary shall give preferences to applicants that have not previously received an award under this paragraph and to applicants from rural, underserved areas.

''(C) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award under this paragraph beyond the second year of such award contingent on the recipient of such award having demonstrated to the Secretary measurable and substantive improvement in allied health personnel retention or patient care.

''(d) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be a health care facility, or any partnership or coalition containing a health care facility or allied health education program; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

**''SEC. 799C-6. DEVELOPING MODELS AND BEST PRACTICES PROGRAM.**

''(a) AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out demonstration programs using models and best practices in allied health for the purpose of developing innovative strategies or approaches for the retention of allied health professionals.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be a health care facility, or any partnership or coalition containing a health care facility or allied health education program; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) DISTRIBUTION OF GRANTS.—In awarding grants under this section, the Secretary shall ensure that grantee represent a variety of geographic regions and a range of different types and sizes of facilities, including facilities located in rural, urban, and suburban areas.

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant under this section to carry out demonstration programs of models and best practices in allied health for the purpose of—

''(1) promoting retention and satisfaction of allied health professionals;

''(2) promoting opportunities for allied health professionals to pursue education, career advancement, and organizational recognition; and

''(3) developing continuing education programs that instruct allied health professionals in how to use emerging medical technologies and how to address current and future health care needs.

''(e) AREA HEALTH EDUCATION CENTERS.—The Secretary shall award grants to area health education centers to enable such centers to enter into contracts with allied health education programs to expand the operation of area health education centers to work in communities to develop models of excellence for allied health professionals or to expand any junior and senior high school mentoring programs to include an allied health professions mentoring program.

**''SEC. 799C–7. ALLIED HEALTH FACULTY LOAN PROGRAM.**

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any institution offering an eligible allied health education program for the establishment and operation of a faculty loan fund in accordance with this section (referred to in this section as the 'loan fund'), to increase the number of qualified allied health faculty.

''(b) AGREEMENTS.—Each agreement entered into under this section shall—

''(1) provide for the establishment of a loan fund by the institution offering the allied health education program involved;

''(2) provide for deposit in the loan fund of—

''(A) the Federal capital contributions to the fund;

''(B) an amount provided by the institution involved which shall be equal to not less than one-ninth of the amount of the Federal capital contribution under subparagraph (A);

''(C) any collections of principal and interest on loans made from the fund; and

''(D) any other earnings of the fund;

''(3) provide that the loan fund will be used only for the provision of loans to faculty of the allied health education program in accordance with subsection (c) and for the costs of the collection of such loans and the interest thereon;

''(4) provide that loans may be made from such fund only to faculty who are pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program; and

''(5) contain such other provisions determined appropriate by the Secretary to protect the financial interests of the United States.

''(c) LOAN PROVISIONS.—Loans from any faculty loan fund established pursuant to an agreement under this section shall be made to an individual on such terms and conditions as the allied health education program may determine, except that—

''(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

''(2) in the case of any individual, the total of the loans for any academic year made by an allied health education program from loan funds established pursuant to agreements under this section may not exceed $30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;

''(3) upon completion by the individual of each of the first, second, and third year of full-time employment, as required under the loan agreement, as a faculty member in an allied health education program, the program shall cancel 20 percent of the principal and interest due on the amount of the unpaid portion of the loan on the first day of such employment;

''(4) upon completion by the individual of the fourth year of full-time employment, as required under the loan agreement, as a faculty member in an allied health education program, the program shall cancel 25 percent of the principal and interest due on the amount of the unpaid portion of the loan on the first day of such employment;

''(5) the loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

''(6) the loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study in an allied health education program; and

''(7) such loan shall—

''(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study in an allied health education program, bear interest on the unpaid balance of the loan at the rate of 3 percent per year; or

''(B) subject to subsection (e), if the allied health education program determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

''(d) PAYMENT OF PROPORTIONATE SHARE.—Where all or any part of a loan (including interest thereon) is canceled under this section, the Secretary shall pay to the allied health education program involved an amount equal to the program's proportionate share of the canceled portion, as determined by the Secretary.

''(e) REVIEW BY SECRETARY.—At the request of the individual involved, the Secretary may review any determination by an allied health education program under this section.

**''SEC. 799C–8. SCHOLARSHIP PROGRAM FOR SERVICE IN RURAL AND OTHER MEDICALLY UNDERSERVED AREAS.**

''(a) PROGRAM AUTHORIZED.—The Secretary shall establish a scholarship program (referred to in this section as the 'program') to provide scholarships to individuals seeking allied health education who agree to provide service in rural and other medically underserved areas with allied health personnel shortages.

''(b) PREFERENCE.—In awarding scholarships under this section, the Secretary shall give preference to—

''(1) applicants who demonstrate the greatest financial need;

''(2) applicants who agree to serve in health care facilities experiencing allied health shortages in rural and other medically underserved areas;

''(3) applicants who are currently working in a health care facility who agree to serve

the period of obligated service at such facility;

''(4) minority applicants; and

''(5) applicants with an interest in a practice area of allied health that has unmet needs.

''(c) PROGRAM REQUIREMENTS.—

''(1) CONTRACTS.—Under the program, the Secretary shall enter into contracts with eligible individuals under which such individuals agree to serve as allied health professionals for a period of not less than 2 years at a health care facility with a critical shortage of allied health professionals in consideration of the Federal Government agreeing to provide to the individuals scholarships for attendance in an allied health education program.

''(2) ELIGIBLE INDIVIDUALS.—In this subsection, the term 'eligible individual' means an individual who is enrolled or accepted for enrollment as a full-time or part-time student in an allied health education program.

''(3) SERVICE REQUIREMENT.—

''(A) IN GENERAL.—The Secretary may not enter into a contract with an eligible individual under this section unless the individual agrees to serve as an allied health professional at a health care facility with a critical shortage of allied health professionals for a period of full-time service of not less than 2 years, or for a period of part-time service in accordance with subparagraph (B).

''(B) PART-TIME SERVICE.—An individual may complete the period of service described in subparagraph (A) on a part-time basis if the individual has a written agreement that—

''(i) is entered into by the facility and the individual and is approved by the Secretary; and

''(ii) provides that the period of obligated service will be extended so that the aggregate amount of service performed will equal the amount of service that would be performed through a period of full-time service of not less than 2 years.

''(d) REPORTS.—Not later than 18 months after the date of enactment of this part, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the program carried out under this section, including statements regarding—

''(1) the number of enrollees by specialty or discipline, scholarships, and grant recipients;

''(2) the number of graduates;

''(3) the amount of scholarship payments made;

''(4) which educational institution the recipients attended;

''(5) the number and placement location of the scholarship recipients at health care facilities with a critical shortage of allied health professionals;

''(6) the default rate and actions required;

''(7) the amount of outstanding default funds of the scholarship program;

''(8) to the extent that it can be determined, the reason for the default;

''(9) the demographics of the individuals participating in the scholarship program; and

''(10) an evaluation of the overall costs and benefits of the program.

**''SEC. 799C–9. GRANTS FOR CLINICAL EDUCATION, INTERNSHIP, AND RESIDENCY PROGRAMS.**

''(a) PROGRAM AUTHORIZED.— The Secretary shall award grants to eligible entities to develop clinical education, internship, and residency programs that encourage mentoring and the development of specialties.

''(b) ELIGIBLE ENTITIES.—To be eligible for a grant under this section an entity shall—

''(1) be a partnership of an allied health education program and a health care facility; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to—

''(1) develop clinical education, internship, and residency programs and curriculum and training programs for graduates of an allied health education program;

''(2) provide support for faculty and mentors; and

''(3) provide support for allied health professionals participating in clinical education, internship, and residency programs on both a full-time and part-time basis.

**''SEC. 799C–10. GRANTS FOR PARTNERSHIPS.**

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to form partnerships to carry out the activities described in this section.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, and entity shall—

''(1) be a partnership between an allied health education program and a health care facility; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to—

''(1) provide employees of the health care facility that is a member of the partnership involved advanced training and education in a allied health education program;

''(2) establish or expand allied health practice arrangements in non-institutional settings to demonstrate methods to improve access to health care in rural and other medically underserved communities;

''(3) purchase distance learning technology to extend general education and training programs to rural areas, and to extend specialty education and training programs to all areas; and

''(4) establish or expand mentoring, clinical education, and internship programs for training in specialty care areas.

**''SEC. 799C–11. ALLIED HEALTH PROFESSIONS TRAINING FOR DIVERSITY.**

'' The Secretary, acting in conjunction with allied health professional associations, shall develop a system for collecting and analyzing allied health workforce data gathered by the Bureau of Labor Statistics, the Health Resources and Services Administration, other entities within the Department of Health and Human Services, the Department of Veterans Affairs, the Center for Medicare & Medicaid Services, the Department of Defense, allied health professional associations, and regional centers for health workforce studies to determine educational pipeline and practitioner shortages, and project future needs for such a workforce.

**''SEC. 799C–12. ALLIED HEALTH PROFESSIONS TRAINING FOR DIVERSITY.**

''The Secretary shall include schools of allied health among the health professions schools that are eligible to receive grants under this part for the purpose of assisting such schools in supporting Centers of Excellence in health professions education for under-represented minority individuals.

**''SEC. 799C–13. REPORTS BY GENERAL ACCOUNTING OFFICE.**

'' Not later than 4 years after the date of enactment of this part, the Comptroller General of the United States shall conduct an evaluation of whether the programs carried out under this part have demonstrably increased the number of applicants to allied health education programs and prepare and submit to the appropriate committees of Congress a report concerning the results of such evaluation.

**''SEC. 799C–14. AUTHORIZATION OF APPROPRIATIONS.**

''There is authorized to be appropriated to carry out this part, such sums as may be necessary for each of fiscal years 2005 through 2010. ''.

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By Mr. CONRAD:

S. 2492. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Improving Access to Nurse-Midwife Care Act of 2004. For too many years, certified nurse midwives (CNMs) have not received adequate reimbursement under the Medicare program. My legislation takes important steps to improve reimbursement for CNMs.

There are approximately 2 million disabled women on Medicare who are of childbearing age; however, if they choose to utilize a CNM for ''well women'' services, the CNM is only reimbursed at 65 percent of the physician fee schedule. In practical terms, the typical well-woman visit costs, on average, $50. But Medicare currently reimburses CNMs in rural areas only $14 for this visit, which could include a pap smear, mammogram, and other precancer screenings. CNMs administer the same tests and incur the same costs as physicians but receive only 65 percent of the physician fee schedule for these services. Other non-physician providers, such as nurse practitioners and physician assistants are reimbursed at 85 percent of the physician fee schedule. This reduced payment is unfair and does not adequately reflect the services CNMs provide to beneficiaries. At this incredibly low rate of reimbursement, the Medicare Payment Advisory Committee (MedPAC) agrees that a CNM simply cannot afford to provide services to Medicare patients.

In June of 2002, MedPAC issued a report titled, ''Medicare Payment to Advance Practice Nurses and Physician Assistants.'' In a 14–0 vote, MedPAC recommended to Congress that the percentage of reimbursement for CNM services be increased. Moreover, because practice expenses are much higher for CNMs—liability coverage costs for CNMs are 10-fold higher than for other non-physician providers—MedPAC signaled that CNMs should be paid more than 85 percent. My legislation would increase the level of reimbursement to 95 percent of the physician fee schedule, which more adequately reflects the cost of providing midwifery services.

My legislation would also make several technical changes to current Medicare provisions that limit the ability of

midwives to effectively serve the Medicare-eligible population. In particular, CNMs serve as faculty members of medical schools. For over 20 years, they have supervised and trained interns and residents. The bill guarantees payment for graduate medical education and includes technical corrections that will clarify the reassignment of billing rights for CNMs who are employed by others. Finally, my bill would establish recognition for a certified midwife (CM) to provide services under Medicare. Despite the fact that CNMs and CMs provide the same services, Medicare has yet to recognize CNs as eligible providers. My bill would change this.

This bill will enhance access to ''well woman'' care for thousands of women in underserved communities and make several needed changes to improve access to midwives. I urge my colleagues to support this legislation.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 369—EXPRESSING THE SENSE OF THE SENATE IN HONORING THE SERVICE OF THE MEN AND WOMEN WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES DURING WORLD WAR II

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 369

Whereas during the dark days of World War II, the United States, the world, and the very future of freedom were threatened by nazism, fascism, and tyranny;

Whereas a generation of Americans stepped forward to confront this scourge, accepting the call to duty to fight the Axis Powers, to defend freedom, and to put their lives on the line so that future generations could live in peace and freedom;

Whereas during World War II, the brave men and women of the Armed Forces of the United States fought alongside allies from more than 30 other nations to vanquish the tyranny and oppression of the Axis Powers on the sea, on the land, and in the air in distant lands in every part of the globe;

Whereas more than 16,000,000 Americans served in the Armed Forces of the United States during World War II, hailing from every corner of the United States and its territories;

Whereas more than 671,000 Americans were wounded and over 105,000 Americans were held as prisoners of war in that terrible conflict;

Whereas more than 400,000 members of the Armed Forces of the United States made the ultimate sacrifice, giving their lives to defeat the evils of nazism, fascism, and tyranny, and to preserve the United States and the ideals the people of the United States hold true;

Whereas by the end of World War II, the members of the Armed Forces of the United States had become symbols of hope for the victors, the liberated peoples of the world, and their former adversaries;

Whereas the victory of the Allied Powers in World War II paved the way for the growth of democracy and freedom in the defeated nations of Germany and Japan, and laid the foundation for the West to confront, and eventually defeat, the threat of Communism;

Whereas the people of the United States can never fully express their gratitude to all the members of the Armed Services, including the ''Greatest Generation'' of World War II, who have dedicated themselves to protecting the people of the United States and to defending the ideals and principles of our great country;

Whereas 114 veterans of World War II have served in the Senate, including 6 who are currently serving: Senator Akaka of Hawaii, Senator Hollings of South Carolina, Senator Inouye of Hawaii, Senator Lautenberg of New Jersey, Senator Stevens of Alaska, and Senator Warner of Virginia; and

Whereas the Senate, on the occasion of the dedication of the World War II Memorial and the 60th Anniversary of the D-day landings in Normandy, France, is proud to honor its Members, past and present, who served in World War II: Now, therefore, be it

*Resolved,* That the Senate—

(1) expresses its eternal appreciation for the veterans of the Armed Forces of the United States who fought and toiled to protect the United States and preserve the freedom and way of life of the United States during World War II;

(2) honors the brave men and women who made the ultimate sacrifice and gave their lives in defense of liberty and the United States during that global conflict; and

(3) proudly commends the 108 former Members and 6 current Members of the Senate who are veterans of World War II, including Senator Akaka, Senator Hollings, Senator Inouye, Senator Lautenberg, Senator Stevens, and Senator Warner, for their leadership and service to the United States both in war and in peace.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3257. Mr. KENNEDY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table.

SA 3258. Mr. GRAHAM, of South Carolina (for himself, Mr. DASCHLE, Mrs. CLINTON, Ms. CANTWELL, Mr. DAYTON, Mr. ALLEN, Ms. MURKOWSKI, Mr. LOTT, Mr. COLEMAN, Mr. DEWINE, Mr. LEAHY, Mrs. LINCOLN, Mr. CORZINE, Mr. DORGAN, Mr. BINGAMAN, Mrs. MURRAY, and Ms. LANDRIEU) proposed an amendment to the bill S. 2400, supra.

SA 3259. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3260. Mr. WARNER (for himself, Mr. LEVIN, and Mr. STEVENS) proposed an amendment to the bill S. 2400, supra.

## TEXT OF AMENDMENTS

**SA 3257.** Mr. KENNEDY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, between lines 16 and 17, insert the following:

**Subtitle F—Public-Private Competitions**

**SEC. 856. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.**

(a) LIMITATION.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

''(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

''(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003;

''(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of $10,000,000 or 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees;

''(iv) provides no advantage to an offeror in the cost comparison process for a proposal to reduce costs for the Department of Defense by not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of such function under a contract; and

''(v) provides no advantage to an offeror in the cost comparison process for a proposal to reduce costs for the Department of Defense by offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than that which is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5.

''(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(D) The cost savings requirement specified in subparagraph (A) does not apply to any contract for special studies and analyses, medical services, scientific and technical services related to (but not in support of) research and development, depot-level maintenance and repair services, or services