

FEDERAL MERIT SYSTEM  
REAUTHORIZATION ACT OF 2007

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Mr. DAVIS of Illinois. Madam Speaker, I am pleased to have worked with Senator DANIEL K. AKAKA (D-Hawaii), Chairman of the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, on the “Federal Merit System Reauthorization Act,” (the Act) which reauthorizes the Office of Special Counsel (OSC) and the Merit System’s Protection Board (MSPB) for three years. The shorter re-authorization period will allow Congress to review OSC’s and MSPB’s implementation of the new provisions in the Act before being re-authorized for a longer period of time.

The Act provides that OSC prescribe regulations to establish responsible and professional standards for investigating complaints; maintain open and regular communications with complainants; establish an alternate dispute resolution office in the District of Columbia; and implement procedural changes to improve agency performance. The Act also establishes a process for external investigation by the President’s Counsel on Integrity and Efficiency (PCIE) when an OSC employee files a complaint alleging wrongdoing by the Special Counsel or the deputy Special Counsel. The PCIE, established by Executive Order in 1992, was formed to address integrity, economy, and effectiveness issues that transcend individual Government agencies, and increase the professional and effectiveness of Inspector General Personnel throughout the Government.

In addition, the Act clarifies that employees filing an Individual Right of Action before the MSPB (bringing a case to the MSPB if OSC has not provided relief in 120 days) need to only identify the precise personnel actions being challenged in the initial complaint to OSC and that relief was not provided by OSC. The Act provides that a complainant can file an appeal to be considered on an expedited basis if an administrative law judge denies a request to suspend/delay the alleged retaliatory action. The Act outlines procedural changes MSPB must implement to improve agency performance.

While OSC and MSPB are required to submit annual reports to Congress on its activities, the Act increases reporting requirements for both agencies in addition to requiring OSC to survey individuals who make whistleblower disclosures to OSC.

Employee rights have been weakened under this Administration. The “Federal Merit System Reauthorization Act of 2007” sends a strong message that whistleblower protection and employee rights are key elements of the federal civil service merit system and must be enforced.

PERSONAL EXPLANATION

**HON. SPENCER BACHUS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Mr. BACHUS. Madam Speaker, on September 17, 2007, I missed votes because I

was traveling to be with my oldest daughter as she gave birth to her first child, my grandchild.

MOVEON PERSONAL ATTACK ON  
GENERAL PATRAEUS INAPPROPRIATE

**HON. JOHN J. HALL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Mr. HALL of New York. Madam Speaker, General Petraeus is a good man and an excellent soldier, and the MoveOn advertisement’s personal attack on the general was completely inappropriate. I respect the brave service, commitment and sacrifice of the men and women who wear the uniform and would never disparage them. It is disappointing that the general and the rest of our troops have been put in an impossible position by the failed policies of President Bush and I continue to believe the United States should wind down its involvement in Iraq, help bolster the Afghanistan government, and eliminate bin Laden and those who did attack us on September 11th.

SUPPORT FOR TAIWAN’S ADMISSION TO THE UNITED NATIONS

**HON. MIKE FERGUSON**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Mr. FERGUSON. Madam Speaker, I rise today to state my support for Taiwan’s admission to the United Nations. Taiwan has been a sovereign state with a democratically-elected government since 1949 and it is only fair that they be allowed to represent their 23 million citizens in this international body. Taiwan has a steadily growing economy, a stable, democratically elected government and their own educational and legal system. They are a strong ally of the United States, and it is only right that we support them in their ongoing effort to gain U.N. membership.

THE 60TH ANNIVERSARY OF THE  
FREEDOM TRAIN

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Mr. GOODLATTE. Madam Speaker, it was 60 years ago on this date—September 16, 1947—that the Freedom Train appeared to start a special journey across the United States. Contained in the railcars of the “Spirit of 1776” were some of the documents that form America’s foundation.

During a 16-month route that carried the Freedom Train to our contiguous 48 states at that time, millions of Americans saw the rolling museum visit communities large and small. It was a time when our Nation was reminding itself of the struggles that led to its formation as well as the struggles that had come in the decades just before in the form of the Great Depression and then World War II. It was also

a time during which railroads were able to showcase their still widely popular form of transit by leading a mission grounded in American pride.

The Freedom Train put more than 37,000 miles behind it during its nationwide tour. So many Americans were able to lay their eyes on original documents like the Magna Carta and the Declaration of Independence and understand just how valuable those pieces of paper were to our country’s place in history.

I extend special thanks today to my constituents, John and Mary Jayne Rowe of Covington, Virginia, for their tireless work to catalog the history of the Freedom Train for generations to come. I also ask that we pay honor to the few Marine guards who will meet a reunion in a few weeks to further remember their role in protecting the Freedom Train on its special trip across our great country.

INTRODUCTION OF PROTECT  
AMERICANS FROM CRIMES ON  
CRUISE SHIPS RESOLUTION

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Ms. MATSUI. Madam Speaker, today I am introducing the Protect Americans from Crimes on Cruise Ships Resolution with many of my distinguished colleagues, including Representatives CHRIS SHAYS and CAROLYN MALONEY.

Madam Speaker, in 2007, over 12 million Americans will travel on cruise lines. Unfortunately, few of these vacationing “cruisers” fully appreciate their potential vulnerability to crime while on an ocean voyage. Citizens who are victimized often do not know their legal rights or who to contact for help in the immediate aftermath of the crime.

In recent years, the media has reported on a number of high profile cases of passengers falling overboard, passengers gone missing and passengers being raped and sexually assaulted. Sadly, many of these cases remain unresolved. Worse yet, many cases go unreported because there is no industry reporting mechanism.

My involvement in this issue began after a young woman from my district, Laurie Dishman, came to me for assistance after she had been a victim of a violent crime on a cruise ship. Laurie shared her shocking story with me in a letter one year ago.

As a passenger on board the *Vision of the Seas*, a ship operated by Royal Caribbean, Laurie was raped by a crew member. One of the most disturbing aspects of Laurie’s case is that the cruise ship on which she was raped was short security staff. As a result, the cruise line promoted someone with no training to perform security personnel duties. If a real security guard had been aboard, Laurie may have been spared her awful ordeal. The tragedy that ensued is something that Laurie will never forget.

The story of her experience on the ship was shocking enough. Unfortunately, I soon learned that was only the beginning. Laurie wrote me to tell me she was having difficulty getting a response to her request for information about the incident from the cruise line. As I began looking into the matter, a number of red flags were raised regarding the handling of

Laurie's particular case. These include the FBI's decision not to have a polygraph test of the crewmember and the cruise line's decision to withhold Laurie's own medical information.

These incidents beg the question: what is the process when a crime is committed on a cruise line and what recourse do passengers have? The more I have inquired, the more I have been alarmed that there is no shortage of cases of: rape, sexual assaults of minors, alcohol related fighting and abuse, and persons overboard.

Even more troubling, most of these incidents have not been fully resolved or prosecuted. I have also learned that there have been no convictions for rape cases on cruise lines in four decades, a statistic that takes a new meaning through the lens of Ms. Dishman's experience.

As a result of continued cases of victims of crimes on the high seas, and with the much appreciated leadership of Chairman CUMMINGS, the Subcommittee on Coast Guard and Maritime Transportation held a hearing on this important issue in March, 2007. The hearing showed numerous discrepancies between the experience sold by cruise lines and the real experience on board these ships. In addition, the hearing highlighted how crime numbers reported to Congress in a previous hearing are radically different from the cruise industry's internal crime statistics.

The result of our hearing, combined with numerous and unending media reports of crimes on cruise ships, point to the need for increased safety and security for these passengers. Prevention can be an important tool, and we all know that prevention starts with making people aware of the potential for a crime to occur. It is time for Congress to acknowledge formally this ongoing problem and to ensure that Americans are informed, aware and safe. The Resolution I am introducing today will do just that.

The resolution acknowledges:

The lack of federal regulation overseeing crime reporting by the cruise industry;

The absence of law enforcement officials on ocean voyages;

That without a law enforcement official, cruise officials are essentially responsible for collection and preserving a crime scene;

Most cruise ships are registered under the laws of another country;

Perpetrators of sexual violence and other violent crimes on cruise ships are rarely brought to justice; and

Consumers who book a cruise generally do not receive information at the point of sale about their legal rights as a cruise passenger and who to contact for help in the event a crime occurs during their voyage.

And Resolves that:

The members of the International Cruise Victims Association, the National Center for Victims of Crime, and the Rape, Abuse & Incest National Network are to be commended for their leadership in highlighting the problem of crimes against American citizens on cruise ships;

Americans who are victims of crime on a cruise ship should have access to justice, and necessary steps should be taken to ensure that the perpetrators of such crimes are brought to justice;

The cruise industry should provide comprehensive information to passengers about security risks and maintain necessary security personnel on each ship; and

Congress should provide oversight to ensure the safety and security of American passengers.

Madam Speaker, nearly all cruise ships operate under a foreign flag. U.S. citizens who are victimized onboard cruise ships often do not know their legal rights or who to contact for help in the immediate aftermath of crimes. Cruises operate in a legal vacuum, where a lack of accountability empowers predators and obstructs their victims' pursuit of justice. That is an unacceptable situation, made worse by the cruise lines' own efforts to avoid scrutiny of and accountability for their own handling of the security of their passengers.

My hope is that with increased Congressional involvement that the cruise lines finally take these crimes seriously and enact necessary reforms. The Resolution acknowledges the ongoing safety concerns and will help ensure that the millions of men, women and children who cruise each year are informed, aware and safe on cruise ships. This resolution is supported by the Women's Caucus and Victim's Rights Caucus, and I would urge all of my colleagues to cosponsor this important Resolution.

IN MEMORY OF MICHAEL YARBROUGH

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Mr. ROSS. Madam Speaker, I rise today to honor Sergeant Michael Yarbrough of Glen Rose, Arkansas, who died on September 6, 2007, fighting for our country in Iraq while supporting Operation Iraqi Freedom. He was 24 years old when he selflessly gave his life for his country during combat operations.

Sergeant Yarbrough's deep sense of unity and teamwork led him to honorably serve his country as a United States Marine. Having completed 2 tours of duty, Sergeant Yarbrough volunteered to return to Iraq in place of a soldier whose wife was pregnant. This gesture of selflessness encapsulated the spirit of this young man as he was always thinking of others before himself.

Sergeant Yarbrough joined the Marines in January of 2002, and his proud service will continue to live on and serve as an inspiration to the many soldiers who knew him and fought alongside him in combat. He was a Marine in the 3rd Assault Amphibian Battalion, 1st Marine Division, 1st Marine Expeditionary Force. His bravery and courage as a Marine was exemplified by his numerous awards and military decorations, including the Purple Heart Medal.

Sergeant Michael Yarbrough gave his life to serve our country and he will forever be remembered as a hero, a husband, a son and a friend. My deepest condolences go out to his wife Mary Ann Yarbrough; his mother, Rhonda Kidder and his father Jerry Yarbrough; his 2 sisters Misty Hutcheson and Christy Smith; and to his numerous aunts, uncles, nieces and nephews. He will be missed by his family, his community, his country and all those who knew him. On this 17th day of September, which would have been Sergeant Yarbrough's 25th birthday, I honor him for his service and will continue to keep his family in my deepest thoughts and prayers.

CLIMATE CHANGE AND ITS EFFECTS ON OUR PLANET

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Mr. MCINTYRE. Madam Speaker, I rise today to speak about climate change and concerns that I share with many Americans about its effects on our planet. The Industrial Revolution ushered in a new world of economic opportunity and prosperity in this country, but with that also came major changes to the composition of the Earth's atmosphere.

For the past 200 years, the burning of fossil fuels, such as coal and oil, and deforestation have caused the concentrations of heat-trapping greenhouse gases to increase significantly in our atmosphere. As the concentrations of these gases continue to increase, the Earth's temperature is rising to record levels. According to NOAA and NASA data, the Earth's average surface temperature has increased by about 1.2 to 1.4 degrees Fahrenheit since 1900. The warmest global average temperatures on record have all occurred during the last 15 years, with 1998 and 2005 being the hottest. And we all know how extremely hot this past August was—one of the hottest months on record in many parts of the country.

If greenhouse gases continue to increase, climate models predict that the average temperature of the Earth's surface could increase from 2.5 to 10.4 degrees Fahrenheit above 1990 levels by the end of this century. This phenomenon of climate change may be a reason for many environmental issues facing our world today. Whether it's melting polar ice caps, devastating floods, shriveling droughts, or sea level rise, every area of the globe has the potential to be affected by the impacts of global warming.

The contributing factors to global warming are many and are not concentrated from one source. Emissions come from power plants, vehicles, industrial processes, agriculture, forestry, and other land use, and waste management. If we are to be successful in curbing our greenhouse gas emissions, we must institute an economy-wide application to protect our environment while not dislocating any vital economic sectors.

Working to reduce the contributing factors of climate change also has the strong potential of helping the U.S. reduce its dependence on foreign oil. New technologies are constantly being developed for alternative fuels and other petroleum-based products. It is important that we move forward with a balanced approach to both energy independence and emissions reduction that takes into account impacts to both the environment and the economy.

HONORING U.S. ARMY SPECIALIST MARISOL HEREDIA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 2007

Ms. SOLIS. Madam Speaker, I rise to pay tribute to Specialist Marisol Heredia who died of injuries suffered while serving in Iraq. Specialist Heredia was a member of the U.S.