

winter kill. Since the 1960s, more than one half of the large canopy red spruce in the Adirondack and Green Mountains and one quarter of large canopy red spruce in the White Mountains have died.

ADK strongly supports the legislation's provision closing the existing loophole allowing old coal-burning power plants that were grandfathered from the Clean Air Act to continue operating without complying with the most recent new source performance standards. The new standards must be met either on the power plant's 30th birthday or within five years after the enactment of the act. As you know, the Adirondacks and other wild lands and waters in the Northeast are located downwind of many of these unremediated power plants whose emissions have damaged lakes and forests in these regions, as mentioned above. Further, ADK supports the legislation's balanced approach to regulating nitrogen oxide and sulfur dioxide through the use of market oriented mechanisms such as emissions trading, auctions or other allocation methods in order to achieve compliance with the emissions reduction requirements.

REPORTS AND FUNDING

ADK supports the legislation's requirement that the EPA submit a report to Congress by 2010 identifying objectives to protect sensitive regional ecosystems, such as the Adirondack Mountains. By 2019, the EPA will have to determine if the emissions reductions are sufficient to ensure that the objectives contained in the report are met. If not, EPA will have to promulgate regulations to ensure that said objectives are met.

As mentioned above, the Adirondack Mountains and other wild lands and waters in the Northeast have been seriously impacted by air pollution emitted by coal-fired electric generating power plants. The report and subsequent regulations if needed will ensure that these sensitive areas are better protected from the devastating effects of air pollution.

The funding measures contained in the legislation are also important. The authorization of funding for critical clean air networks and programs such as the National Atmospheric Deposition Program National Trends Network will provide needed support for continued monitoring of air pollution and its effect on the environment.

ADK strongly supports the Healthy Air and Clean Water Act. We believe that, if enacted, it will lead to significant and necessary reductions in nitrogen oxide, sulfur dioxide, mercury, and carbon dioxide emissions.

We look forward to working with you and your staff as this legislation advances through the legislative process.

Sincerely,

NEIL F. WOODWORTH,
Executive Director.

MARISA TEDESCO,
Conservation and Legislative Director.

THE ADIRONDACK COUNCIL,
October 15, 2007.

Hon. JOHN MCHUGH,
House of Representatives,
Washington, DC.

DEAR MR. MCHUGH: On behalf of the entire Board of Directors and staff of the Adirondack Council, I write to thank you for introducing the Healthy Air and Clean Water Act. This bill, if passed into law, would have profound benefits for the Adirondack Park of upstate New York.

Numerous studies have shown that the Adirondack Mountains have suffered some of the most devastation in the country due to the scourge of acid rain, caused by the emis-

sions of sulfur dioxide and nitrogen oxides, which often come from Midwestern coal burning power plants. This has caused great damage to the forest of the over one million acres of true Wilderness within the Adirondack Park, as well as having nearly 700 water bodies lose their ability to sustain their native fish populations due to their unnaturally low pH.

In addition, the New York State Department of Health advises that women of child-bearing age and children under age 15 should not eat any of six varieties of fish taken from either Adirondack or Catskill water bodies due to high levels of mercury contamination. Another eight species should not be consumed by women and children more than once a week for the same reason.

More recently, studies have concluded that if there is not a dramatic decrease in the emissions that cause climate change, upstate New York, including the Adirondack Park, may have the climate currently associated with southern states like Virginia or Georgia by the end of the century. This would create tremendous problems for the Adirondacks. Warmer weather would lead to the invasion by more exotic species, harming our native flora and fauna. Some species of trees associated with the colder climate of New York would slowly begin to move north to the cooler temperatures of Canada. Birds, such as the rare Bicknell's Thrush, would also leave New York in search of cooler breeding habitat. In addition, there would be many fewer days with snow cover on the ground in the Adirondacks, greatly diminishing the winter tourism economy, now associated with activities such as cross country and downhill skiing, snowmobiling, snowshoeing and ice fishing.

Once again, we wholeheartedly support your legislation, the Healthy Air and Clean Water Act, and will actively encourage your colleagues to become co-sponsors of it and pass it in the House of Representatives as soon as possible. We thank you once again for all of your efforts to limit the negative impacts of all four of the pollutants in your bill. We look forward to working with you to secure its passage and protect the people and environment of the Adirondack Park.

Sincerely,

BRIAN L. HOUSEAL,
Executive Director.

GO, MIKE JOSHI, GO

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Ms. SCHAKOWSKY. Madam Speaker, it is my honor to recognize and congratulate Mike Joshi for running in (and completing) yesterday's 32nd Annual Marine Corps Marathon.

Mike is the staff assistant in my Washington, DC office. He has shown great focus, commitment and dedication in the months leading up to yesterday's marathon. Mike is such a positive presence in the office and he has been such a good sport . . . allowing everyone in the office to "participate" in his training by sharing stories and updates from his evening and weekend runs.

I am told that when his coworkers saw Mike at mile 13 (the half way point), he was smiling and looking so relaxed . . . like it was mile 3, not 13. The characteristics that carried him over the finish line will continue to serve him well in the race that is life.

Congratulations Mike on this amazing accomplishment. Team SCHAKOWSKY is so proud of you.

MARKING PATH'S 30TH
ANNIVERSARY

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mr. SMITH of Washington. Madam Speaker, this year marks 30 years since PATH began working to create innovative solutions that enable communities worldwide to break longstanding cycles of poor health. Originally founded in 1977 as the Program for the Introduction and Adaptation of Contraceptive Technology (PIACT), PATH began by helping manufacturers set up facilities for making high-quality condoms in China.

Today, PATH implements health programs in many countries, works with a variety of private partners to develop new vaccines and microbicides, and has advanced more than 30 health technologies for low-resource settings. By collaborating with diverse public- and private-sector partners, PATH provides appropriate health technologies and vital strategies to improve global health and well-being worldwide.

Over the past three decades, PATH has worked in more than 100 countries and received many prestigious international awards for its work. PATH's president, Dr. Christopher Elias, was the Schwab Foundation's "U.S. Social Entrepreneur of the Year" in 2006 and the organization has earned four-star ratings from Charity Navigator, the Fast Company Social Capitalist Award, and recognition by Amazon.com as one of the ten most innovative nonprofits.

The breadth of PATH's work includes many innovative technologies. One example, the Uniject™ device, is a single-use syringe (auto-disabled to prevent reuse) used by USAID to prevent maternal deaths and by UNICEF to deliver life-saving vaccines. PATH also implements and expands programs to increase adoption of malaria control and childhood nutrition interventions in some of the world's poorest settings. Additionally, the organization's public-private partnerships work to create and introduce affordable vaccines to prevent malaria, meningitis, cervical cancer, diarrheal diseases, and other major illnesses.

PATH's efforts maximize health equity to ensure health products and programs reach the poorest and most vulnerable. They strengthen the capacity to foster demand-driven and scalable solutions by promoting an inclusive approach to innovation and discovery—one that builds strong partnerships with communities, industry, and local governments. Admirably, the organization enhances programmatic integration and improving the monitoring, evaluation, and dissemination of results.

As health inequities continue to persist, the effects of preventable disease and deaths become greater, particularly in our increasingly interconnected and global society. PATH demonstrates a commitment to address these threats. They have demonstrated dedication to finding innovative, scalable solutions for some of the world's greatest challenges by harnessing the promise of science and technology, the ingenuity of individuals and communities, and ensuring solutions can be realized for everyone.

Please join me in celebrating PATH's 30 years of success and innovation in improving the world's health.

H.R. 3985, THE OVER-THE-ROAD BUS TRANSPORTATION ACCESSIBILITY ACT OF 2007

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 3985 the "Over-the-Road Bus Transportation Accessibility Act of 2007", introduced today by the gentleman from Oregon (Mr. DEFAZIO). I am proud to co-sponsor this important legislation, which will ensure that motorcoach accessibility regulations promulgated by the Department of Transportation, DOT, pursuant to the Americans with Disabilities Act, ADA, are fully implemented, vigorously monitored, and actively enforced.

In 1990, upon signing the landmark ADA into law, President George H. W. Bush stated that the ADA "promises to open up all aspects of American life to individuals with disabilities—employment opportunities, government services, public accommodations, transportation, and telecommunications." In many respects, the Act has been implemented to result in expanded and enhanced transportation opportunities for individuals with disabilities. However, as a recent U.S. Court of Appeals case revealed, a troubling void in DOT's oversight of the over-the-road bus accessibility regulations has unnecessarily reduced the protection Congress intended to afford under the ADA.

In 1998, DOT adopted a final rule requiring vehicle modifications to intercity, charter, and tour buses to accommodate individuals with disabilities. These regulations set forth requirements for these transportation providers, referred to as over-the-road bus operators, to acquire or lease accessible vehicles or provide accessible service to passengers with disabilities on a 48-hour advanced notice basis. The requirements are phased in over time, and vary by type of service provided by a company, either fixed route or "demand responsive", such as charter and tour service. Alter-

native compliance requirements were established for small businesses.

The Federal Motor Carrier Safety Administration ("FMCSA") is the modal agency responsible for ensuring that over-the-road bus transportation providers comply with DOT regulations, including safety rules. However, according to FMCSA's interpretation, the existing motor carrier statute limits the agency's ability to enforce the over-the-road bus accessibility regulations promulgated by DOT.

On December 19, 2006, the United States Court of Appeals for the D.C. Circuit, in *Peter Pan Bus Lines, Inc. and Bonanza Acquisition, LLC v. Federal Motor Carrier Safety Administration*, rejected FMCSA's assertion that the agency does not have discretion to interpret the law to allow FMCSA to consider compliance with ADA regulations in determining whether a bus company is fit to operate in interstate commerce. The case was remanded to FMCSA in February 2007, and the Court directed the agency to reexamine the statute.

FMCSA did not respond to the Court for more than 8 months, and I have no doubt the pattern of inaction would have continued without pressure from Congress. Earlier this month, Highways and Transit Subcommittee Chairman DEFAZIO and I sent a letter to Federal Motor Carrier Safety Administrator John Hill, expressing our intent to legislate a solution to this problem if the agency did not respond with its plans to make changes administratively to ensure that ADA requirements were being met by the over-the-road bus operators that FMCSA registers.

Last week, FMCSA issued a decision in response to the Court order. In the decision on remand, the agency defends its original position that the underlying statute does not provide the authority for FMCSA to consider compliance with ADA. The agency further argues that the Department of Justice ("DOJ") has enforcement authority under the ADA to investigate all alleged violations and commence a civil action in court, pursuant to part 36 of title 28, Code of Federal Regulations. This includes authority over transportation providers. Therefore, FMCSA concludes the agency has no role in taking action with respect to ADA violations by over-the-road bus companies. In fact, in the October 26, 2007 decision FMCSA states: "If Congress intended to expand the fitness criteria to include compliance with addi-

tional DOT regulations, such as 49 CFR part 37, it presumably would have said so."

Let there be no doubt—Congress will be saying so with this legislation. This bill removes any statutory ambiguity and gives FMCSA the authority to take action against violators of the ADA.

H.R. 3985 strengthens FMCSA's ability to monitor and enforce compliance with the Department of Transportation's regulations governing the accessibility of over-the-road bus transportation. The bill amends Section 13902(a)(1) of title 49, United States Code, to prohibit the agency from granting registration authority to a motor carrier providing over-the-road bus transportation who is not willing and able to comply with the accessibility regulations under subpart H of part 37, title 49, Code of Federal Regulations. The bill also clarifies that the Secretary may suspend, amend, or revoke a motor carrier's registration in the event of a willful failure to comply with regulations pursuant to the ADA. H.R. 3985 further requires the Department of Transportation and the Department of Justice to enter into a memorandum of understanding to ensure coordination between the two Departments, to clearly define each Department's roles and responsibilities in enforcing the provisions of the ADA, and to avoid duplication of effort.

Violations of ADA regulations are not a theoretical problem. Several newspaper articles have highlighted problems that individuals with disabilities have encountered in trying to ride curbside buses. Curbside bus companies operate fixed-route, intercity bus service, mainly between cities along the Northeast Corridor, picking up and dropping off passengers on the street rather than in bus terminals. A March 2, 2006 Washington Post investigation revealed that 11 companies that operate in the Northeast Corridor had violated ADA regulations. (See "Bus Lines Cited in Federal Probe; 11 Firms Accused of Violating ADA"; Washington Post, March 2, 2006; Financial; page D1).

Madam Speaker, the Americans with Disabilities Act was enacted 17 years ago, and nearly a decade has passed since the Department of Transportation issued implementing regulations. This legislation, to ensure that the accessibility regulations promulgated by DOT are adhered to by all over-the-road bus operators, is both necessary and overdue.