

cannot afford to challenge FEMA's preliminary flood insurance study. These communities are left in the untenable position of paying thousands of dollars for an engineering firm to develop the revised flood insurance study required to appeal FEMA's preliminary study, or to accept FEMA's preliminary flood insurance study as is, even if there are valid grounds to dispute the study's findings. It is clear that an improved appeals process could help correct errors made during FEMA's map modernization and thus prevent unneeded flood insurance expenses.

Please provide a detailed list of the steps your agency is taking to accommodate the special needs of rural communities during the map modernization process. Specifically, detail how your agency accommodates appeals to a preliminary flood insurance study by small communities with small budgets.

Thank you for your prompt response to this request.

Sincerely,

MAX BAUCUS.

U.S. SENATE,

Washington, DC, February 18, 2010.

Hon. JO-ELLEN DARCY,

Assistant Secretary of the Army (Civil Works),
U.S. Army Corps of Engineers, G Street,
NW., Washington, DC.

DEAR ASSISTANT SECRETARY DARCY: I am writing to you regarding the January 23, 2008 memo establishing priorities for Fiscal Year 2008 Levee Safety Program Inspection Funds. Specifically, I would like you to provide additional justification for your policy determination that levee certification is a non-Federal responsibility and that these certifications will not be funded using Federal funds.

Throughout Montana and the rest of the country, non-Federal sponsors for Federally-constructed levees are struggling to work through the FEMA floodplain re-mapping process and the associated requirements for levee certification. I recognize the need to ensure that accurate information is provided to property owners and decision-makers regarding the residual risk of flooding that exists behind a flood control structure and to ensure that such properties are adequately insured to prevent excessive disaster payments by the Federal government. I understand that FEMA's map updates will portray a floodplain area protected by a certified levee as an area with 1 in 100 year flood protect and a floodplain area that is protected by an uncertified levee as unprotected.

Therefore, the levee certification process is a critical step in the nation's efforts to ensure that our existing flood control system offers viable protection for life and property. First and foremost, from an engineering perspective, it is important that any flaws or shortcomings in our existing levees are identified and repaired before a disaster, not after. Second, because the certification of a levee is the determining factor in how a particular floodplain will be mapped and what insurance requirements will apply, it is important that communities have access to a clear, reasonable process to obtain this certification.

Prior to January 2008, the Corps performed levee certifications for Federally-constructed levees. On January 23, 2008, a memorandum regarding prioritization of fiscal year 2008 funds was released by your office, which precluded the Corps from using fiscal year 2008 funds to perform levee certifications and stated that levee certification is a non-Federal responsibility. Please provide your justification for this abrupt change in policy, in addition to a cost analysis of the impact of this change to non-Federal sponsors. Please describe the outreach that was

performed prior to and after this decision to ensure that levee managers throughout the country were properly informed. Please articulate, in detail, the options available for levee districts seeking certification of their Federally-constructed levee. In determining the effective date of your new policy, was a transition plan considered and/or implemented for those levees that were already moving through the remapping process and were anticipating that the certification process would be conducted by the Corps? Was consideration given to the differing technical and financial capabilities of levee districts throughout the country to ensure that small, rural communities are not adversely impacted by this policy change when compared to large communities? Has the Corps considered the lack of engineering resources in certain parts of the country as a planning factor for implementing the new January 2008 policy? The January 23 memo states that the Corps can perform levee certification on a reimbursable basis. How do the limitations adopted in 31 U.S.C. 6505, as amended, affect the ability of the Corps to perform these certifications? Have levee districts in small, rural communities elected to pay the Corps to perform levee certifications since January 2008? Please describe how this decision was and continues to be coordinated with the FEMA remapping process. Thank you for your attention to this critical issue.

Sincerely,

MAX BAUCUS.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 451—EX-PRESSING SUPPORT FOR A DESIGNATION OF A "WELCOME HOME VIETNAM VETERANS DAY"

Mr. BURR (for himself, Mr. INHOFE, Mr. BROWN of Massachusetts, Ms. MURKOWSKI, and Mr. JOHANNIS) submitted the following resolution; which was referred to the Committee on Veterans Affairs:

S. RES. 451

Whereas the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of the Republic of Vietnam;

Whereas the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing Communist threat from North Vietnam;

Whereas members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961;

Whereas, as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release

of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capitol of South Vietnam, effectively placing South Vietnam under Communist control;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by 4 presidential administrations in the United States;

Whereas the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

Whereas March 30, 2010, would be an appropriate day to establish as "Welcome Home Vietnam Veterans Day": Now, therefore, be it

Resolved, That the Senate—

(1) honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace;

(2) encourages States and local governments to also establish "Welcome Home Vietnam Veterans Day"; and

(3) encourages the people of the United States to observe "Welcome Home Vietnam Veterans Day" with appropriate ceremonies and activities that—

(A) provide the appreciation Vietnam War veterans deserve, but did not receive upon returning home from the war;

(B) demonstrate the resolve that never again shall the Nation disregard and denigrate a generation of veterans;

(C) promote awareness of the faithful service and contributions of such veterans during their military service as well as to their communities since returning home;

(D) promote awareness of the importance of entire communities empowering veterans and the families of veterans to readjust to civilian life after military service; and

(E) promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.

SENATE RESOLUTION 452—SUPPORTING INCREASED MARKET ACCESS FOR EXPORTS OF UNITED STATES BEEF AND BEEF PRODUCTS TO JAPAN

Mr. JOHANNIS (for himself, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. ROBERTS, Mr. BROWBACK, Mrs. HUTCHISON, Mr.

CORNYN, Mr. ENZI, Mr. DORGAN, Mr. CONRAD, Mr. INHOFE, Mr. THUNE, Mr. CRAPO, Mr. PRYOR, Mr. BARRASSO, Mr. BOND, Mr. NELSON of Nebraska, Ms. KLOBUCHAR, Mr. RISCH, Mr. BENNET, Mr. UDALL of New Mexico, Mr. NELSON of Florida, Mr. VOINOVICH, and Mr. COBURN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 452

Whereas, in 2003, Japan was the largest market for United States beef, with exports valued at \$1,400,000,000;

Whereas, after the discovery of 1 Canadian-born cow infected with bovine spongiform encephalopathy (BSE) disease in the State of Washington in December of 2003, Japan closed its market to United States beef, and still restricts access to a large number of safe United States beef products;

Whereas for years the Government of the United States has developed and implemented a multilayered system of interlocking safeguards to ensure the safety of United States beef, and after the 2003 discovery, the United States implemented further safeguards to ensure beef safety;

Whereas a 2006 study by the United States Department of Agriculture found that BSE was virtually nonexistent in the United States;

Whereas the internationally recognized standard-setting body, the World Organization for Animal Health (OIE), has classified the United States as a controlled risk country for BSE, which means that United States beef is safe for export and consumption;

Whereas, from 2004 through 2009, United States beef exports to Japan averaged roughly \$196,000,000, less than 15 percent of the amount the United States sold to Japan in 2003, causing significant losses for United States cattle producers; and

Whereas, while Japan remains an important ally and trading partner of the United States, this unscientific trade restriction is not consistent with fair trade practices, nor with United States treatment of Japanese imports: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is not in the interest of either the United States or Japan to arbitrarily restrict market access for their close partners;

(2) trade between the United States and Japan should be conducted with mutual respect and based on sound science;

(3) since banning United States beef in December 2003, Japan has not treated United States beef producers fairly;

(4) both Japan and the United States should comply with guidelines based on sound science;

(5) Japan should immediately expand market access for United States exporters of both bone-in and boneless beef beyond the existing standard of beef from cattle 20 months and younger; and

(6) the President should insist on increased access for United States exporters of beef and beef products to the market in Japan.

Mr. JOHANNES. Mr. President, I rise to offer a resolution supporting increased access for U.S. beef and beef products to the country of Japan. Let me step back and set the stage for this resolution.

On December 23, 2003, one cow was discovered in the United States with BSE, the disease sometimes referred to in a kind of slang way as “mad cow disease.” Even though that animal was actually born in Canada, the reaction

of our trading partners around the world was swift and devastating. Almost immediately, Japan and other countries closed their markets to U.S. beef. Virtually with the snap of a finger, we lost over 90 percent of our export market. It just disappeared. At the time, Japan was the largest export market for U.S. beef. It had a value to our producers of \$1.4 billion.

We began work to address BSE in this country dating all the way back to 1988, when the Department of Agriculture established a BSE committee to make recommendations on appropriate regulatory controls. Our government has developed and implemented a multilayered system of interlocking safeguards to ensure the safety of American beef. After the 2003 BSE discovery, we added even more safeguards. These efforts by our government, in coordination with U.S. cattle producers, have paid off. A 2006 study by USDA found that BSE was virtually nonexistent among the 40 million adult cattle in our country. Again in 2007, the World Organization for Animal Health, the internationally recognized standard-setting body, also known as OIE, classified the United States as a “controlled risk” country for BSE. This classification simply means that because of the expansive system of safeguards that are in place, U.S. beef is safe for export and for consumption.

Interestingly enough, that is the identical classification the OIE gave to Japan just last year. So as Japan asked their trading partners to treat them fairly under OIE standards, we are asking them to reopen their market for our beef.

Seven years have passed. We have proven, time and again, the effectiveness of our safety system. The Japanese still restrict most U.S. beef products. Japan's actions are not consistent with fair trading practices, nor with the U.S. treatment of Japan's imports. That is why I agreed to meet last week with the Japanese Ambassador to discuss this matter. I asked the Ambassador: What would happen if the United States said it doesn't want any more car parts from Japan until they can assure us that there are absolutely no defects? That is essentially what it has done to our beef industry. If we in the United States said we would never do anything in response to the current Toyota situation that they have not already done to us, that would not be a good deal for Japan when it comes to exports. Their treatment of our beef has cost our Nation's beef industry billions of dollars and has been economically devastating to States such as mine, the State of Nebraska. If we treated their products the same way, it would be equally as devastating to Japan because we are a major importer of Japanese goods. Over the last 6 years, the United States has purchased, on average, over \$132 billion in Japanese goods annually. In 2009 alone, even in the midst of a global economic downturn, the United States purchased

\$95.9 billion of products from Japan. Cars led the way. We purchased \$31.5 billion in vehicles and parts. Beyond that, we bought \$19.5 billion in nuclear reactors, machinery, and parts. Just over \$15 billion worth of electronics we bought from Japan, another \$5 billion in optic, photo, medical or surgical instruments, and dozens and dozens of other products that add up to another \$25 billion.

I wish to make something clear. I am not advocating that the United States close its borders to Japan's products. Japan is a valued friend. But what I do say I say directly and with the resolution: Sanctions on our beef do not represent the act of a friend nor that of a fair trading partner. There is simply no scientific justification for their restrictions, none whatsoever, a point my friends from Japan cannot deny. Quite honestly, Japan's standard of accepting only beef from cattle aged 20 months and younger was pulled out of thin air. It is nothing more than an economic sanction.

I have been dealing with this issue for nearly 7 years, first as the Governor of Nebraska, then as our Agriculture Secretary, and now as a Senator. My confirmation hearing before this body to become Secretary of Agriculture was dominated by one topic: Opening Japan's borders to our beef.

I come forward to offer this sense-of-the-Senate resolution. The resolution does not say we want to keep Japanese products out of the United States. It is in the interest of neither the United States nor Japan to arbitrarily restrict market access for friends and close partners. We are both with Japan. Trade between the United States and Japan should be conducted with mutual respect and based on sound science, something we haven't seen from Japan in this area in the last 7 years. My resolution does say that both Japan and the United States should comply with science-based standards. It also states the Obama administration should insist on increased access for U.S. beef and beef products to Japan.

Very simply, it is time for fair treatment from our friends in Japan. I will continue to press this issue. I ask my colleagues to join me in supporting a resolution that basically says trade should be fair.

SENATE RESOLUTION 453—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL PUBLIC HEALTH WEEK”

Mr. UDALL of New Mexico (for himself, Mr. BROWN of Ohio, Mr. BURRIS, Mr. WYDEN, Mr. AKAKA, Mr. MENENDEZ, Mr. TESTER, Mr. BEGICH, Mr. DURBIN, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 453

Whereas the week of April 5 through 11, 2010, is “National Public Health Week”;