

this law and to make wellness a possibility for many who, for far too long, had been left out of the health care system. October 1 signals a brand new day for them and for our country, and we should celebrate it and do everything we can to make sure everyone in our districts enjoys these benefits.

#### HHS: A TRICKLE OF DATA, A TORRENT OF SPIN

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, once again, the President is trying to mislead and hide the truth from the Congress and the American people. The Department of Health and Human Services released a report yesterday on the pricing of health plans on the Federal exchanges—a perfect example of bureaucratic doublespeak.

The report was quick to say that rates were 16 percent under their projections. Well, that sounds great, but what were their projections? Does that mean the rates will increase or decrease? They went to a lot of trouble to avoid answering that question. Some digging by Forbes Magazine, however, uncovered the truth. For 40-year-olds, rates will increase by an average of 99 percent for men, and 62 percent for women. It seems that the truth is a lot different.

The biggest problem, however, isn't the rate increase. With only 5 days left until implementation, the administration is unwilling or incapable of answering even basic questions. The data they released was only partial data samples.

It's time for the Department of Health and Human Services to stop playing games and hiding the truth, and time to give the American people the full truth about what the President's takeover of health care really means.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 2 o'clock and 11 minutes p.m.), the House stood in recess.

□ 1700

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 5 p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas

and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### FIRE-RETARDANT MATERIALS EXEMPTION EXTENSION

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1961) to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1961

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

#### SECTION 1. EXTENSION OF EXEMPTION.

Section 3503(a) of title 46, United States Code, is amended by striking “2008” and inserting “2028”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1961.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1961 renews the exemption for the Delta Queen from certain Coast Guard requirements adopted decades after the vessel was built.

The Delta Queen, a paddle-wheel riverboat, was built in 1926. It operated in California until 1947 and then carried tourists up and down the Mississippi and Ohio Rivers for more than 60 years. Forty years after the vessel was built, Congress set new rules prohibiting wooden ships from carrying 50 or more overnight passengers. The vessel has a steel hull, but a wooden superstructure.

Between 1968 and 2008, the Delta Queen operated under an exemption from the restriction on wooden passenger vessels, which was renewed nine times by Congress. H.R. 1961 reinstates the Delta Queen exemption. The vessel will still be subject to all other Coast Guard passenger vessel safety requirements. It must undergo required inspections and receive a certificate of inspection, like any other passenger vessel.

I commend my colleague from Ohio, STEVE CHABOT, and the bill's bipartisan cosponsors for introducing this bill. Permitting the Delta Queen to return to the river is estimated to create 170 jobs and produce economic activity of \$9.3 million annually.

The bill before us was reported favorably from the Transportation Committee on a voice vote. I urge my colleagues to support this bill and allow this historic vessel to return to the river.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was the chairman of the Coast Guard and Maritime Transportation Subcommittee in 2008 when Congress last rejected the measure before us today, and there has been no change in the intervening years that would now make this measure good policy. H.R. 1961 is a bill that would amend Federal law for the benefit of one single vessel, the Delta Queen. As such, I think we should call this bill what it really is: it's an earmark. Let me say that again: it's an earmark.

And what would this earmark do? First, it would create a potential fire trap on the water. In 1936, the United States required all passenger vessels to be constructed of fire-retardant materials. The Delta Queen was built in 1926, and part of its construction occurred in Europe. Its superstructure is wooden and not flame retardant. Exempting the Delta Queen from current fire safety standards would present an unacceptable and, frankly, unnecessary risk to passenger safety.

When this issue was last considered, the Coast Guard stated the following:

The combustible construction of the vessel presents an unacceptable fire risk that cannot be mitigated by the addition of fire suppression measures.

Just yesterday, I talked to Rear Admiral Joseph Servidio, the Coast Guard's assistant commandant for prevention policy. He oversees vessel inspections, and he made it clear to me that the Coast Guard continues to oppose this waiver. He also made it clear that a number of safety concerns may persist from the Coast Guard's 2008 special inspection of the Delta Queen.

And, frankly, the exemption this legislation seeks to make is not needed for the Delta Queen to operate on the Mississippi again if it wanted to do so. Let me say that again: the Delta Queen does not need the exemption that would be provided by this bill to operate in U.S. waters. The Delta Queen could take passengers on day cruises, and it could host up to 49 overnight passengers right now. But under current law, it cannot host 50 or more overnight passengers. The only thing the exemption sought in H.R. 1961 would do is increase the number of overnight passengers the Delta Queen could carry along our Nation's waterways, thus increasing the number of passengers who would be at risk should a fire break out on the boat.

What else would this earmark do? This earmark would interfere in a competitive market to pick winners and losers by giving an advantage to one vessel, something I thought my friends on the other side of the aisle said Congress should not be in the business of doing.

Today, the Queen of the Mississippi, a boat built in 2012 in the United States is in compliance with all applicable safety standards, is operating on a Mississippi River system. And another boat that will comply with current safety standards is under construction here in the United States. But if H.R. 1961 were to pass, these American-built boats, safety-compliant vessels, would have to compete with a vessel that would not have to meet the same safety standards required of all other vessels. So not only would the earmark before us create an unsafe situation, but it would also create an unfair situation.

Rather than creating an unnecessary safety hazard, and rather than picking winners and losers, I urge my colleagues to reject this earmark.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our colleague from the State of Ohio, STEVE CHABOT.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, I rise today in very strong support of H.R. 1961, legislation that my colleagues and I introduced to save the Delta Queen steamboat. And I want to particularly thank the gentleman from Missouri—St. Louis, in particular—my Democratic colleague, LACY CLAY, for his leadership on this particular issue.

This legislation is basically one line. It doesn't cost a penny, and it has two very important functions. It preserves an important piece of American history, and it supports American jobs.

Mr. Speaker, H.R. 1961 reinstates the Delta Queen's grandfathered status—not an earmark—the grandfathered status from a law that prohibits wooden boats—which the superstructure of the Delta Queen is. The hull of it is steel—for carrying overnight passengers. The Delta Queen is actually capable of carrying up to 176 passengers comfortably overnight; and under the law as it currently exists, 50 is the cutoff point.

Congress granted the Delta Queen a reprieve from this law for the last 40 years. So for 40 years, the United States Congress granted this exemption. It did so because she was constructed before the law was in place and because the law was intended for boats at sea, not riverboats—boats, oceangoing vessels at sea. It was never intended for river-faring boats like the Delta Queen. That's why the Congress granted this exemption for 40 years. The Queen's grandfathered status was uninterrupted for 40 years until management concerns stalled the continuation back in 2008.

Since Congress revoked its ability to operate, the boat has been chained to a dock. Discord and disagreement won that day; but today, hopefully, it will be different.

Today we have a renewed coalition of support. Democrats and Republicans have worked together on this issue. It

passed by voice vote with no votes against it in the Transportation Committee; and maybe most importantly, the boat's new management and union are working together to return this vessel and the jobs she provides to full operation.

So this is a situation where management and the union are not fighting. They may have been back in 2008. They're not now. They're together on this. They're both requesting that we pass this particular legislation today so that the Delta Queen can once again ply the rivers—the Mississippi, the Ohio—and bring jobs to communities all up and down those rivers.

With all the gridlock in Washington, this bill is a welcome show of bipartisanship for a change. I wish we had more of that around this place. But this really is a bipartisan bill. It's supported by the Seafarers International Union, by the American Maritime Officers, and by the National Trust for Historic Preservation, for example. It's cosponsored by a diverse list of Republicans and Democrats, including the entire Ohio delegation, including my colleague—and I want to thank him for his leadership on this issue—BRAD WENSTRUP from the Second District, right next to my district, the First District, in the greater Cincinnati area. He has been a leader on this, as has Congressman MASSIE across the river. And as I mentioned before, Congressman LACY CLAY from Missouri and many other Members.

It also has the support of Transportation Committee Chairman SHUSTER on the Republican side and Ranking Member RAHALL. And I would like to read a quote from the gentleman from West Virginia (Mr. RAHALL), the ranking member, who was unable to be here today. Actually, I think he is driving here and will be here for votes, but couldn't make the debate. But this is what he said back in the Transportation Committee itself, and I am quoting here from his testimony:

"I'm in favor of preserving an icon of our American heritage, the Delta Queen. In light of the support that this bill has from the Seafarers"—the Seafarers Union—"and the fact that this means good-paying jobs and that a unique part of Americana would be restored to service, I support the pending legislation."

That's the bill that we are dealing with here today. And in the past, this effort was even cosponsored by two men who rarely see eye to eye, Senator MITCH MCCONNELL and then-Senator Barack Obama. Both of them supported this back in 2008.

I owe thanks to every lawmaker who cosponsored this measure. And I owe a special thanks, as I mentioned, to the gentleman from St. Louis, Missouri (Mr. CLAY), without whose help this wouldn't be possible today.

To my colleagues who have raised issues about the vessel's safety, I hear you. Safety must always be a top priority. So let's discuss it for a minute.

This vessel is equipped with a fully automated environmental detection system that uses over 300 sensors to detect heat, smoke, and CO<sub>2</sub>, for example. It also has a state-of-the-art sprinkler system, a Coast Guard-trained and -certified firefighting crew, and round-the-clock watchmen patrolling the vessel 24 hours a day.

It should also be noted that the original legislation from 1965—and I mentioned this before—was intended for oceangoing vessels. That's why it was called the Safety at Seas Act, not the Safety on the Rivers Act. As a river vessel, the Delta Queen is never more than a mile from shore and can be landed and evacuated in minutes, if need be. Fortunately, that's never been necessary with the Delta Queen in its 80 years, basically, in traveling, and 60 years on the rivers of the Mississippi and Ohio.

So oceangoing vessels. We are talking about vessels that oftentimes are hundreds of miles, perhaps even over 1,000 miles, from land. In this case, we're talking about never more than one mile. That's why the Delta Queen is different. It was the only river vessel that this really applied to because of its size and the fact that it could take more than 50 passengers. That was the problem.

□ 1715

And to clear any misunderstanding, the legislation does not relieve the boat managers of their responsibility to deal with safety issues. In order to obtain a certificate of inspection, a COI, from the Coast Guard, the vessel will have to address United States Coast Guard concerns.

The managers already have a detailed list of things they know will need to be upgraded, which include replacing the vessel's boilers, in all likelihood, and steam lines with modern, fully automated, welded construction boilers and steam lines.

So the issues that were concerns back in 2008, which my distinguished colleague mentioned before, these are all going to be taken care of, and should be. Otherwise, we wouldn't be supportive of this bill.

This bill does not issue a green light. This bill unlocks the private resources necessary to make this multi-million-dollar restoration effort possible. At the end of the day, if the boat doesn't satisfy the Coast Guard, they don't get a COI, and they don't sail. They don't paddle. They don't move. They don't travel at all.

While objections on the grounds of safety are reasonable, I feel that safety may be a convenient argument, really, not a justified argument.

Let me close, at this point, by saying that the Delta Queen is beloved by many, particularly many Cincinnatians, who spent years watching her sail into our city to unload passengers at dawn and head out back with a new group of people at dusk. I think many of us would like to give her that opportunity up and down the Mississippi and

the Ohio. Again, it means jobs for many people in many of these communities.

I ask my colleagues to join us in supporting this bill for two principal reasons, jobs and American history. Members can support this by voting in favor of H.R. 1961.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

My good friend talked about safety and safety systems. It's my understanding that the vessel has fire suppression systems installed in the non-public spaces. They have not installed fire suppression systems in the public spaces, that's like the staterooms and dining rooms, because they would have to alter the historic fabric of the vessel to do so.

This would violate requirements under the National Historic Preservation Act and presents a safety liability.

The mention of trained firefighting crews and round-the-clock watches is not unique. In fact, all vessels must have such crews and maintain such watches.

With that, Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GARAMENDI), the distinguished subcommittee ranking member of the Maritime and Transportation Subcommittee of the Transportation Committee.

Mr. GARAMENDI. Mr. Speaker, several things. We just heard our colleague who is supporting this bill talking about American history, that this is an icon of American history. In fact, it was American history that created the law that requires all vessels that are over 90 and more than 50 people to actually be fire-safe.

It is, sir, American history that has put in place the law that you're trying to waive. That history is one of disaster after disaster, in which thousands of people have lost their lives in boats that were not safe, that were made of wood.

Now, I happen to know the Delta King, the exact twin of the Delta Queen. It's parked on the Sacramento River, not more than a half mile from the Capitol, and I've been on it many, many times; and it does overnight a few guests. But it is a fire trap, and that's why it's not going up and down the Sacramento River.

By the way, the law that you said only applies to the sea applies to every river and every lake in the United States. So it's a little incorrect to say that this is only oceangoing vessels that are applicable to this particular law. It's not. It's all vessels. All vessels that have more than 50 people on board overnight have to meet these requirements.

We ought not do this. Regular order was completely set aside to move this bill rapidly through the Transportation Committee; and by the way, there was opposition, and he's talking right now, opposition to a waiver of a fire safety law that is intended to protect the public.

Yes, the Delta Queen, like the Delta King, is historic; and like the Delta King, the Delta Queen is a fire trap.

We ought not be passing this law. And we ought to be following regular order, and we ought to be listening to the Coast Guard that says, don't do this. Don't do this. That's what the U.S. Coast Guard says, because it is not safe.

Now, this boat can operate. It can operate with 179 people or more on day trips. It can tie up to a wharf, and it can have 49 people on board going up and down the river, or even more, they can get off, they can go to a hotel, as they have for many years. This is still a viable operation.

But under no circumstance should this body, 435 of us, say not to worry about fire safety; it's not going to be an issue. After all, somebody's watching 24 hours a day, as required on every vessel.

Let's keep in mind that the fire suppression system that was mentioned by our colleague in support of this legislation does not work and is not in the public spaces. The staterooms, where people are sleeping, the dining rooms, the other rooms on board, will not have fire suppression, that is, sprinkler systems.

This boat will not be upgraded in a way that will make it safe. We simply ought not do this.

And, yes, you can guarantee that this side of the aisle is seriously concerned about jobs, and we're seriously concerned about the men and women that work on this boat, that they work in a fire-safe environment. This boat will not be a fire-safe environment.

And so those men and women that we are concerned about having jobs ought to have jobs in a safe environment. They will not.

Very simply put, this is a bad piece of legislation. This is not about jobs. This is about saving lives, or, in the case of this bill, about putting lives at risk. Is that what we want to do?

I don't think so.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Just to make sure the record is clear, I'm informed by staff that the bill was noticed in regular order, and no rules were waived concerning its regular consideration by the committee or, in fact, by the House.

Mr. Speaker, I yield 30 seconds to our colleague from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding. I'll be very brief.

Mr. Speaker, relative to the Coast Guard's issues, their principal issue is the boilers. We all know that. We've always known that. The new owners are going to replace the boilers.

The Coast Guard has to approve this. If the Coast Guard has any opposition, all they have to do is not issue the certificate to operate the boat, and it won't operate. So the Coast Guard has to be completely satisfied before it safely goes out.

Relative to sprinklers, it has a state-of-the-art sprinkler system. So the

safety issues, I think, are red herrings really.

Mr. PETRI. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WENSTRUP).

Mr. WENSTRUP. Mr. Speaker, I rise in support of H.R. 1961, which would allow America's iconic wooden paddle-wheel steamboat, the Delta Queen, to return to traveling America's rivers.

For over 60 years, the Delta Queen has traveled up and down America's waterways, carrying passengers, entertaining Presidents and foreign dignitaries, and even serving our troops in times of war. She's a true American treasure.

However, due to Federal safety regulations implemented in the 1960s, wooden ships were banned from carrying 50 or more passengers overnight. While this regulation was originally intended for oceangoing cruise ships, the Delta Queen, due to her size and structure, is a riverboat that is unfairly trapped by this regulation, even though she is never more than a mile from shore.

Understanding the unique situation of the Delta Queen, and the fact that she was built and safely operating before this law was put in place, Congress has granted her exemptions for the past 40 years from this regulation, allowing the steamboat to continue to safely carry passengers along America's waterways.

However, since 2008, Congress has failed to continue the Delta Queen exemption. As a result, the Delta Queen is currently moored in Tennessee and is unable to fully provide the experiences and services that she was built for.

Today, the Delta Queen is under new management and continues to undergo rigorous safety inspections and tests administered by the Coast Guard. She has operated safely for over 80 years.

Like many of my constituents, I have fond memories of the Delta Queen, which has called Cincinnati her home for 37 years. With the passage of H.R. 1961, we can return this historic landmark back to Cincinnati, preserving America's cultural heritage, and bringing jobs and economic growth to the greater Cincinnati area.

I commend my colleague, STEVE CHABOT, for taking the lead on this issue for Cincinnati, and I urge my colleagues to support H.R. 1961.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to my distinguished colleague from Connecticut (Ms. DELAURO), and I ask unanimous consent that Mr. GARAMENDI be allowed to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Ms. DELAURO. Mr. Speaker, I rise in opposition to the legislation before us. While the Delta Queen may be a historic vessel, exempting her from cruise ship fire safety law sets a terrible precedent, and it puts families at risk.

Moreover, this bill is designed to help one ship in the passenger cruise market at the expense of all others.

I understand the Delta Queen has a long and a distinguished history. Since it was built in the 1920s, it carried three Presidents; it is a national historic landmark. But that is all the more reason why fire safety law is important here.

This is an old ship, made almost entirely of wood and powered by out-of-date technology, that has been in dry dock for the past 4 years and not inspected in 5 years. The Queen's antique engines and steam boilers are prone to cause a fire at any moment.

In fact, the last fire on board was in 2008. So there is good reason why the U.S. Coast Guard opposes this legislation. The boat could pose a significant danger to families staying on board overnight.

You know, the issue about on the sea, on the river, people can die on the river as well as die on the sea.

In addition to that, there is nothing in this legislation that requires the owners to implement the safety upgrades. And you know, as my colleague said, and I would take issue with him on the other side of the aisle, safety is not a red herring.

And even beyond the specific circumstances of the Delta Queen, I do not believe it is a wise policy for the Congress to get into the habit of exempting businesses from basic safety regulations; nor should we be choosing, through legislation, which cruise ship companies have to follow the rules and which do not.

There are many ways to recognize and to honor the Delta Queen's rich history on the Mississippi River. This is not the right approach. As such, I urge my colleagues to oppose this legislation.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our colleague from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, I want to take this opportunity to thank those Members who have decided to revisit this very important issue.

I might remind everyone that the Delta Queen received an exemption from the Safety of Life at Sea Law. And we recognized that that original law applied to oceangoing vessels and, since 1968, Congress has always provided the exemption for the Delta Queen, except that it did not in the year 2008.

Since then, the Delta Queen has been sitting down in Chattanooga. The new owners are spending \$10 million to put in new boilers. There's a sprinkler system and, as has already been indicated, the Coast Guard will make the final decision about the safety issues.

But this is an issue of jobs. And I might say that the unemployment rate in America over the last 4 years, in each of the last 4 years, has been higher than in any year in the last 62, except for 3 years.

So in communities like Paducah, Kentucky, that I happen to represent, the Delta Queen each year would land at Paducah. Every month it would

come by, people would get out, and it was an economic boon to our area.

We genuinely believe that this is a balanced approach. It protects the safety issues that people are concerned about because of the \$10 million being spent to refurbish the Delta Queen, and it provides additional employment for people looking for good jobs.

So I would urge every Member to support H.R. 1961, a commonsense, balanced approach, to get this historic paddle boat back on the Ohio River and the Mississippi River.

□ 1730

Mr. GARAMENDI. Mr. Speaker, may I inquire as to how much time I have available?

The SPEAKER pro tempore. The gentleman has 9 minutes remaining.

Mr. GARAMENDI. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank my friend from California for yielding.

Mr. Speaker, I rise today in support of H.R. 1961. This bipartisan legislation will reinstate the historic Delta Queen's grandfathered status from a law that prohibits wooden vessels from transporting overnight passengers. Congress has granted the Delta Queen Riverboat a reprieve from this law for the last 40 years, until management concerns prevented a continuation in 2008. That situation has been resolved, and now the work of restoring this historic vessel is underway. H.R. 1961 is also supported by the National Trust for Historic Preservation, the Seafarers International Union, and the American Maritime Officers Association. Mr. Speaker, my colleagues and I are truly committed to saving this one-of-a-kind American treasure, the Delta Queen.

I represent St. Louis, and St. Louis is a river town. The reason that my community was founded and grew into a great city was the mighty Mississippi River. That river not only flows beneath the magnificent Gateway Arch, it also flows in the hearts of every St. Louisan and every American who has ever read Mark Twain, listened to jazz and blues, or wondered what it must have been like to go west with the pioneers as they pushed across the unknown frontier.

The Delta Queen is more than an irreplaceable historic vessel. It is also a symbol of the bold American spirit that had the courage to tame the continent and make us one Nation, from sea to shining sea. This great steamboat should continue to travel America's inland waterways. This is the right thing to do for the Delta Queen, and it's the right thing to do for future generations of Americans and international visitors who deserve the chance to travel on this magnificent vessel.

I also want to raise some concerns about two issues that I've heard over and over. One issue is that the opponents of this bill have redefined the meaning of an earmark. When I started

in this body, an earmark was related to appropriations and not a waiver.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARAMENDI. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. CLAY. I thank the gentleman for yielding.

Mr. Speaker, I have a college degree from a small public college called the University of Maryland. In the U.S. marketplace, I always thought competition was healthy. Now I'm hearing that this competes against other riverboats. So I'm kind of concerned about that issue, too. Perhaps someone could address it or clarify it for me.

With that, I urge my colleagues to support H.R. 1961.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. MASSIE).

Mr. MASSIE. Mr. Speaker, I rise today in support of H.R. 1961 to save a historical treasure, the Delta Queen steamboat.

I grew up in Kentucky's Fourth District. We have 276 miles of the Ohio River. My memories are rich with the images of this great vessel going up and down the river. These are images that my four children will never have, unless we pass this bill today.

Just think of the inspiration and majesty of this ship. It's a ship that's rich with history. Her debut cruise took place on June 2, 1927. For the next 13 years, she ran overnight trips between Sacramento and San Francisco. From 1940 to 1946, she served the U.S. Navy as a floating barracks and a training facility in the San Francisco Bay. She traveled the Ohio River for 60 years.

In 1966, Congress passed the Safety of Life at Seas Act. Not "at rivers," but "at seas." This ship was caught up in an overly broad regulation. We seek to right that wrong today.

I just want to speak to the bipartisan nature of this bill. I serve on the Transportation Committee. It received overwhelming bipartisan support, and no rules were suspended to debate this bill within the committee. In fact, in 2008, as Congressman CHABOT from Ohio stated, the Senate bill to extend this exemption garnered bipartisan support from Senator MITCH MCCONNELL and then-Senator Barack Obama.

Please help us save the Delta Queen by voting "yes" on H.R. 1961.

Mr. GARAMENDI. Mr. Speaker, I yield 2 minutes to the esteemed gentleman from Connecticut (Ms. ESTY).

Ms. ESTY. I thank the gentleman, and I appreciate working with him and many others here in the Chamber today to address this bill.

Mr. Speaker, why are we here? What would this bill do?

H.R. 1961 would reinstate—and backdate to 2008—an exemption from commonsense fire safety standards for one single vessel.

On its face, this bill is deeply troubling from a public safety perspective.

I can appreciate the desire to keep and preserve the historic Delta Queen; but that should be done by the private market, not by Congress, and it should not be done in a way that jeopardizes public safety.

Reinstating the expired exemption would distort basic principles of the free market and competition because all other vessels operating as overnight passenger cruise vessels are built to appropriate fire safety standards. These are investments made by U.S. manufacturers and U.S. tour companies alike. Doing the right thing and building or refurbishing to code should not be obstructed by an unprecedented 15-year exemption for a single boat while it is reportedly going through a sale.

I urge Members to examine what this measure would do to public safety, what it would do to competition in the marketplace, and remind them we can protect public safety and protect jobs by voting "no" on H.R. 1961.

Mr. PETRI. Mr. Speaker, I reserve the balance of my time.

Mr. GARAMENDI. May I inquire as to the time I have available?

The SPEAKER pro tempore. The gentleman from California has 4 minutes remaining. The gentleman from Wisconsin has 4 minutes remaining.

Mr. GARAMENDI. Mr. Speaker, I think we have no further speakers here, which gives me 4 minutes to lay out the case, which may be quite sufficient, and I yield myself the balance of my time.

With regard to regular order, I haven't been around here long enough to know that regular order does not, apparently, include a hearing. There's been no hearing on this bill. The bill simply came to the full committee and was up or down for a vote. I had the opportunity to object at that time—and continue to object at this moment.

Yes, this is about jobs, but it's also about safety. There's a reason why the law was passed, and that is protect those men and women that are on the boat, presumably to enjoy, in this case, the Mississippi or Ohio Rivers. But if this bill were to become law, they would not know that they are actually in a very dangerous situation.

It's been said that we're not to worry; after all, we're not at open sea. We're miles and miles from shore. But I would remind those who care to think about safety that the Concordia was 900 feet off the Italian coast when it sank—quickly—and 30 people lost their lives only 900 feet from the coast. Now, it was saltwater, to be sure. Nonetheless, they were near the coast. There are plenty of places on the Mississippi that are more than 900 feet from the coast.

And I want you to imagine a fire breaking out on the front part of the ship, which is the only way to escape. By the way, this ship has had 15 mechanical failures in the last 20 years. These were mechanical failures that, if they were to continue, would cause the fire extinguishing system not to work,

even though it's not in the staterooms and the public areas but only in the nonpublic areas. We really ought not be doing this.

A lot has been said about whether it's an earmark or not. This bill applies to one ship. It only applies to the Delta Queen. It applies to no other ship. There's a financial benefit to the owners of this ship. If this were to happen, they would be able to travel up and down the Mississippi and Ohio Rivers, perhaps others, without having to meet the normal fire safety requirements. That's a financial benefit. And not with 49 passengers, but with as many as 170 or 179. That's a financial benefit. That meets my definition of an earmark—when it goes to a single private entity for their financial success.

What are we concerned about here? Jobs. Yes, we're concerned about jobs. They are the men and women that would be able to get those jobs. They are the people that I care about and that I met with yesterday about jobs in the maritime industry throughout this Nation. But nowhere in the discussions we had yesterday in Oakland, California, was the issue of jobs less important or more important than safety.

I just think we ought to be very careful here. We ought to be very, very careful because we're talking about life safety issues. I would pray and I would hope that all 435 of us that are going to deal with this bill shortly in an up-or-down vote would never have to face the moment at some day in the future over the next 15 years, should this become law, where a fire breaks out on this ship, because if it were to break out, there would be a great deal of sorrow. I suspect there will be a few amongst us who vote for this measure that would say, I made a very, very bad mistake.

Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, I agree with certainly some of the comments of my colleague from California. Safety is paramount. It's paramount to us, just as it is to my colleagues on the other side of the aisle both in support and in opposition of this legislation, and it is also to the unions and to the merchants and a whole range of people. The Coast Guard will ultimately determine whether it's safe or not. It cannot get a certificate to ply the waters of the Ohio or Mississippi unless the United States Coast Guard determines that it's safe. We agree on that.

Is the Delta Queen safe?

Well, the Delta Queen has operated safely for more than 80 years. In all that time, there's never been a fire that required any passenger evacuation—not one in over an 80-year period of time.

As a riverboat, the Delta Queen, as I mentioned before, is never more than a

mile away. This was the Safety at Seas Act, as our colleague from Kentucky mentioned, that we're talking about. This legislation was supposed to apply to oceangoing vessels at sea, not the rivers. The Coast Guard more broadly brought in the rivers. And that's why Congress said, Look, we don't mean this to apply to rivers. So if it applies to any boats, any ships here on the rivers, then we're going to give them an exemption. There was only one boat it applied to that was big enough to have over 50 passengers. That was the Delta Queen, because it has a steel hull and steel paddles in the back and a wooden superstructure.

□ 1745

We have given this exemption for 40 years. From 1968 through 2008—40 years—Congress gave the exemption because we considered it to be safe. Now, it's going to be certified by the Coast Guard that it's safe before it ever goes anywhere. The Delta Queen will still be required, as I said, to get a certificate from the Coast Guard in order to move.

Now, let me read from a couple of those groups. We've heard from Members of Congress here. This is the Seafarers International Union, who had been opposed to this back in 2008 and who is now solidly supportive. Here's what the Seafarers Union said:

We write to express our support for H.R. 1961. This legislation would effectively permit the Delta Queen steamboat to return to operation as a river-faring vessel. While there is still much restorative work ahead before the boat can return to full operation, securing the congressional waiver is the first and most critical step in that path.

That's what this is all about: the restorative work—the new boilers, the new steam pipes. We are talking probably \$10 million worth of restoration. But in order for anybody to put money into that, to make the ship better, to make it safe, etc., it needs this exemption in order to allow the private sector to get the money into the boat so that it can actually continue on the history that we've seen for many years in this country on this particular boat.

Let me continue with the letter:

This particular vessel has been a source of jobs for many merchant mariners over its tenure as an overnight cruise vessel, and it can be again. Unfortunately, absent the congressional waiver afforded by this legislation, these jobs will forever be lost.

That's what the Seafarers International Union said. The American Maritime Officers said:

"This legislation will help create the circumstances for the Delta Queen to return to operation as a river-faring vessel. The owners of this vessel understand they will need to make investments to improve the ship before she receives first approval from the Coast Guard to begin operating in regular service again. Passing H.R. 1961 will give those parties the assurance they require to undertake those efforts"—to spend the \$10 million on the boat. "Bringing the Delta Queen back in operation status is a worthy effort. It

will help create jobs through work that needs to be done.’’

These maritime officers wouldn’t want to be sailing on a dangerous boat.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

Ms. FRANKEL of Florida. Mr. Speaker, I rise today to oppose H.R. 1961, which would exempt the steamboat Delta Queen from important fire safety requirements. While I appreciate the historical significance of this Mississippi River steamboat, I believe that public safety must be our first priority. Exempting the Delta Queen through the passage of H.R. 1961 would expose the public to an unacceptable risk of catastrophic fire by allowing a vessel that does not meet current safety standards to carry more than 50 overnight passengers. For these reasons, I vote “no.”

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 1961.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GARAMENDI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House following title:

H.R. 3092. An act to amend the Missing Children’s Assistance Act, and for other purposes.

#### COMMERCIAL MOTOR VEHICLE OPERATOR REQUIREMENTS RELATING TO SLEEP DISORDERS

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3095) to ensure that any new or revised requirement providing for the screening, testing, or treatment of individuals operating commercial motor vehicles for sleep disorders is adopted pursuant to a rulemaking proceeding, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3095

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

#### SECTION 1. COMMERCIAL MOTOR VEHICLE OPERATOR REQUIREMENTS RELATING TO SLEEP DISORDERS.

(a) IN GENERAL.—The Secretary of Transportation may implement or enforce a requirement providing for the screening, testing, or treatment (including consideration of all possible treatment alternatives) of individuals operating commercial motor vehicles for sleep disorders only if the requirement is adopted pursuant to a rulemaking proceeding.

(b) APPLICABILITY.—Subsection (a) shall not apply to a requirement that was in force before September 1, 2013.

(c) SLEEP DISORDERS DEFINED.—In this section, the term “sleep disorders” includes obstructive sleep apnea.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support H.R. 3095. This bill ensures that any new or revised requirements made by the Secretary for the screening, testing, or treatment of commercial motor vehicle drivers for obstructive sleep apnea is adopted through a rulemaking proceeding.

H.R. 3095 does not require a rulemaking proceeding to be initiated. It only requires that any future changes to screening, testing, or treatment requirements for obstructive sleep apnea are made through a rulemaking.

A rulemaking will help the Federal Motor Carrier Safety Administration, stakeholders and this Congress understand the costs and benefits of the proposed changes and provide stakeholders an opportunity to comment.

H.R. 3095 is the most responsible way to move forward with any changes to obstructive sleep apnea screening, testing, or treatment requirements.

This bill has over 59 Democratic and Republican cosponsors and shows how effective a bipartisan effort to move practical legislation can be. Senator BLUNT from Missouri and Senator WARNER from Virginia have introduced S. 1537, the companion bill to that before us, H.R. 3095.

This bill has strong bicameral, bipartisan support, and I urge all of my colleagues to support H.R. 3095.

I reserve the balance of my time.

Ms. NORTON. I thank my good friend, the chairman of the subcommittee, for his work on this very important bill, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3095. This legislation ensures that changes planned by the Federal Motor Carrier Safety Administration to better diagnose and treat sleep apnea among commercial truck and bus drivers will be done with a formal rulemaking.

I believe the FMCSA’s initiative to address sleep apnea is important, and I fully support the Agency’s efforts to improve safety. There is little question that obstructive sleep apnea, if left un-

treated, can significantly affect a truck or bus driver and his or her on-the-job performance.

When we scheduled markup of this bill in the Committee on Transportation and Infrastructure, the Agency was considering making significant changes to the medical screening of drivers for sleep apnea through guidance. The rulemaking process, however, will afford FMCSA the opportunity to get input from the public, including drivers and companies who will be directly affected by the changes.

FMCSA has since committed to making changes through a rulemaking. Therefore, this legislation has been overtaken by events and seems to have already had the desired effect. While I am not sure this bill is necessary, I have no objection whatsoever to its content, and I support its adoption.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our colleague from the State of Indiana (Mr. BUCSHON).

Mr. BUCSHON. Mr. Speaker, this legislation is simple, but has the potential to save the trucking industry nearly \$1 billion.

If the Department of Transportation—specifically the Federal Motor Carrier Safety Administration—decides they want to weigh in on sleep apnea, they need to do so by a rulemaking process.

On April 20, 2012, FMCSA published a Federal Register notice that stated FMCSA was going to publish regulatory guidance related to sleep apnea. Subsequently, as has been mentioned, they decided to go through the rulemaking process. But I still believe this bill is necessary to codify that position into law and give the opinion of Congress to FMCSA on this issue.

The problem with issuing guidance instead of traditional rulemaking is that guidance is nonbinding and open to interpretation. When somebody with a commercial driver’s license goes to a physician to get a physical, the doctor can follow the guidance and recommend a sleep apnea test. Sleep apnea tests cost thousands of dollars, and the cost would be shifted to the employer of the driver, or if they are an independent driver, to themselves. If the doctor chose to ignore the guidance, they would be open to possible legal actions.

I know from experience that most physicians already practice defensive medicine, and any guidance related to this issue would only drive up the cost of medicine and hurt an industry that is already facing high unemployment.

The American Trucking Association has estimated that nearly one-third of their drivers would meet the arbitrary body mass index threshold. That would be an estimated 1 million drivers getting a sleep apnea test at an average cost of \$2,265. The total cost just to the American Trucking Association members would be estimated between \$900 million and \$1.2 billion. The School Bus