

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 gentleman 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

Association estimates that this regulation would cost their drivers \$100 million.

Sleep apnea is a serious disease that can't be diagnosed arbitrarily by guidance set in Washington, D.C. The Department needs to go through the rule-making process—which, again, they've already agreed to do. This would allow a cost-benefit analysis and input from medical providers and all of the stakeholders involved in this issue.

I'm proud that the bill passed out of the Transportation Committee with unanimous support and had over 68 bipartisan cosponsors. The American Trucking Associations, the American Bus Association, the International Brotherhood of Teamsters, the National School Transportation Association, Owner-Operator Independent Drivers Association, and the United Motorcoach Association have all endorsed H.R. 3095.

I would like to thank the Transportation Committee, especially Dan Veoni, for their assistance in support of this legislation.

I urge all of my colleagues to support this bill.

Ms. NORTON. Mr. Speaker, I can only hope that the agency—which has a long docket—in fact gets to this rule-making. It is always, in the best of all possible worlds, best to have rule-making input from the public, of course the formal effect of rules in the courts of the United States. And I'm not sure why the agency was going to do guidance instead. But this is a very important issue. There have been accidents that have been attributed to sleep apnea. But again, without any guidance, without any rulemaking, without any understanding of how to go about even detecting it and what you're supposed to do to prevent it, we are delayed in preventing these accidents. So I very much appreciate the work of both sides, and certainly of my good friend, the chairman of the subcommittee.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I would encourage all Members to support the bill before us, and I yield back the balance of my time.

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. 3095.

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. PETRI. 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.

HELIUM STEWARDSHIP ACT OF 2013

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 354) providing for the concurrence by the House in the Senate amendment to H.R. 527, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 354

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill, H.R. 527, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Helium Stewardship Act of 2013".

SEC. 2. DEFINITIONS.

Section 2 of the Helium Act (50 U.S.C. 167) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) CLIFFSIDE FIELD.—The term 'Cliffside Field' means the helium storage reservoir in which the Federal Helium Reserve is stored.

"(2) FEDERAL HELIUM PIPELINE.—The term 'Federal Helium Pipeline' means the federally owned pipeline system through which helium for the Federal Helium Reserve may be transported.

"(3) FEDERAL HELIUM RESERVE.—The term 'Federal Helium Reserve' means helium reserves owned by the United States.

"(4) FEDERAL HELIUM SYSTEM.—The term 'Federal Helium System' means—

"(A) the Federal Helium Reserve;

"(B) the Cliffside Field;

"(C) the Federal Helium Pipeline; and

"(D) all other infrastructure owned, leased, or managed under contract by the Secretary for the storage, transportation, withdrawal, enrichment, purification, or management of helium.

"(5) FEDERAL USER.—The term 'Federal user' means a Federal agency or extramural holder of one or more Federal research grants using helium.

"(6) LOW-BTU GAS.—The term 'low-Btu gas' means a fuel gas with a heating value of less than 250 Btu per standard cubic foot measured as the higher heating value resulting from the inclusion of noncombustible gases, including nitrogen, helium, argon, and carbon dioxide.

"(7) PERSON.—The term 'person' means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or State or political subdivision.

"(8) PRIORITY PIPELINE ACCESS.—The term 'priority pipeline access' means the first priority of delivery of crude helium under which the Secretary schedules and ensures the delivery of crude helium to a helium refinery through the Federal Helium System.

"(9) QUALIFIED BIDDER.—

"(A) IN GENERAL.—The term 'qualified bidder' means a person the Secretary determines is seeking to purchase helium for their own use, refining, or redelivery to users.

"(B) EXCLUSION.—The term 'qualified bidder' does not include a person who was previously determined to be a qualified bidder if the Secretary determines that the person did not meet the requirements of a qualified bidder under this Act.

"(10) QUALIFYING DOMESTIC HELIUM TRANSACTION.—The term 'qualifying domestic he-

lium transaction' means any agreement entered into or renegotiated agreement during the preceding 1-year period in the United States for the purchase or sale of at least 15,000,000 standard cubic feet of crude or pure helium to which any holder of a contract with the Secretary for the acceptance, storage, delivery, or redelivery of crude helium from the Federal Helium System is a party.

"(11) REFINER.—The term 'refiner' means a person with the ability to take delivery of crude helium from the Federal Helium Pipeline and refine the crude helium into pure helium.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of the Interior."

SEC. 3. AUTHORITY OF SECRETARY.

Section 3 of the Helium Act (50 U.S.C. 167a) is amended by adding at the end the following:

"(c) EXTRACTION OF HELIUM FROM DEPOSITS ON FEDERAL LAND.—All amounts received by the Secretary from the sale or disposition of helium on Federal land shall be credited to the Helium Production Fund established under section 6(e)."

SEC. 4. STORAGE, WITHDRAWAL AND TRANSPORTATION.

Section 5 of the Helium Act (50 U.S.C. 167c) is amended to read as follows:

"SEC. 5. STORAGE, WITHDRAWAL AND TRANSPORTATION.

"(a) IN GENERAL.—If the Secretary provides helium storage, withdrawal, or transportation services to any person, the Secretary shall impose a fee on the person that accurately reflects the economic value of those services.

"(b) MINIMUM FEES.—The fees charged under subsection (a) shall be not less than the amount required to reimburse the Secretary for the full costs of providing storage, withdrawal, or transportation services, including capital investments in upgrades and maintenance at the Federal Helium System.

"(c) SCHEDULE OF FEES.—Prior to sale or auction under subsection (a), (b), or (c) of section 6, the Secretary shall annually publish a standardized schedule of fees that the Secretary will charge under this section.

"(d) TREATMENT.—All fees received by the Secretary under this section shall be credited to the Helium Production Fund established under section 6(e).

"(e) STORAGE AND DELIVERY.—In accordance with this section, the Secretary shall—

"(1) allow any person or qualified bidder to which crude helium is sold or auctioned under section 6 to store helium in the Federal Helium Reserve; and

"(2) establish a schedule for the transportation and delivery of helium using the Federal Helium System that—

"(A) ensures timely delivery of helium auctioned pursuant to section 6(b)(2);

"(B) ensures timely delivery of helium acquired from the Secretary from the Federal Helium Reserve by means other than an auction under section 6(b)(2), including nonallocated sales; and

"(C) provides priority access to the Federal Helium Pipeline for in-kind sales for Federal users.

"(f) NEW PIPELINE ACCESS.—The Secretary shall consider any applications for access to the Federal Helium Pipeline in a manner consistent with the schedule for phasing out commercial sales and disposition of assets pursuant to section 6."

SEC. 5. SALE OF CRUDE HELIUM.

Section 6 of the Helium Act (50 U.S.C. 167d) is amended to read as follows:

"SEC. 6. SALE OF CRUDE HELIUM.

"(a) PHASE A: ALLOCATION TRANSITION.—

"(1) IN GENERAL.—The Secretary shall offer crude helium for sale in such quantities, at such times, at not less than the minimum