

S.J. RES. 16

At the request of Mr. MCCONNELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 185

At the request of Mr. SALAZAR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 185, a resolution supporting the ideals and values of the Olympic Movement.

S. RES. 197

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 197, a resolution honoring the accomplishments of AmeriCorps.

S. RES. 215

At the request of Mr. ALLARD, the names of the Senator from Maine (Ms. SNOWE), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. Res. 215, a resolution designating September 25, 2007, as "National First Responder Appreciation Day".

S. RES. 231

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. SANDERS), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. Res. 231, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. RES. 236

At the request of Mr. BAYH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 236, a resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem.

AMENDMENT NO. 1221

At the request of Mr. CARDIN, the name of the Senator from Wisconsin

(Mr. KOHL) was added as a cosponsor of amendment No. 1221 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1510

At the request of Mr. COCHRAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 1510 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1544

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of amendment No. 1544 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1557

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. COLLINS) was withdrawn as a cosponsor of amendment No. 1557 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1610

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 1610 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1614

At the request of Mr. TESTER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 1614 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS ON JUNE 14, 2007

By Ms. SNOWE:

S. 1632. A bill to ensure that vessels of the United States conveyed to eligible recipients for educational, cultural, historical, charitable, recreational, or other public purposes are maintained and utilized for the purposes for which they were conveyed; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Vessel Conveyance Act, a bill which would prevent inappropriate transfers of surplus United States vessels to nongovernmental organizations.

It has recently come to my attention that two decommissioned U.S. Coast Guard ships that had been conveyed in legislation to a certain charitable organization are no longer being used for the purpose explicitly stated by law. In fact, the ships are no longer in the organization's possession. Unaware of the costs affiliated with maintenance of the ships, the recipient found itself unable to afford the upkeep. Against the spirit, if not the letter, of the law, the charity sold first one, and then the second ship, and pocketed the proceeds, which totaled \$415,000.

Though the U.S. General Services Administration has a process in place for disposal of surplus vessels, I understand the value of dedicated vessel conveyances under certain circumstances. But we must recognize that these assets are the property of the American people, and they represent a significant investment of public funds. When Congress acts to convey such valuable items to a private entity, it also conveys the responsibility to use the vessel for a specific purpose. In cases where that responsibility has not been carried out, we must be able to seek recourse, and this bill would provide that tool.

Specifically, this legislation would expressly prohibit the recipient of a conveyed vessel from either selling it, or using it for commercial purposes. It would require the Administrator of the GSA to monitor conveyed vessels the same way he monitors ships dispersed under the standard GSA process to ensure that they are being used appropriately, and it gives her the power to reclaim the ship if she determines that those conditions have been violated. The bill would also eliminate the possibility of transfer to an organization lacking sufficient financial stability to maintain a given vessel. Finally, it includes civil enforcement provisions making recipients liable for fines of up to \$10,000 per day that they are in violation of their conveyance agreement.

On the rare occasions when Congress determines that a certain asset is uniquely suited to assist a worthy and capable organization, I do not oppose a legislative conveyance. But I will not allow any organization to fleece the American taxpayers by biting the hand

that has provided such a generous gift. I am pleased to introduce this bill today, and I urge my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1632

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Vessel Conveyance Act”.

#### SEC. 2. CONVEYANCE OF UNITED STATES VESSELS FOR PUBLIC PURPOSES.

(a) IN GENERAL.—The conveyance of a United States Government vessel to an eligible entity for use as an educational, cultural, historical, charitable, or recreational or other public purpose shall be made subject to any conditions, including the reservation of such rights on behalf of the United States, as the Secretary considers necessary to ensure that the vessel will be maintained and used in accordance with the purposes for which it was conveyed, including conditions necessary to ensure that unless approved by the Secretary—

(1) the eligible entity to which the vessel is conveyed may not sell, convey, assign, exchange, or encumber the vessel, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the vessel; and

(2) the eligible entity to which the vessel is conveyed may not conduct any commercial activities at the vessel, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the vessel, in any manner.

(b) REVERSION.—In addition to any term or condition established pursuant to this section, the conveyance of a United States Government vessel shall include a condition that the vessel, or any associated historic artifact conveyed to the eligible entity in conjunction with the vessel, at the option of the Secretary, shall revert to the United States and be placed under the administrative control of the Administrator if, without approval of the Secretary—

(1) the vessel, any part thereof, or any associated historic artifact ceases to be available for the educational, cultural, historical, charitable, or recreational or other public purpose for which it was conveyed under reasonable conditions which shall be set forth in the eligible entity’s application;

(2) the vessel or any part thereof ceases to be maintained in a manner consistent with the commitments made by the eligible entity to which it was conveyed;

(3) the eligible entity to which the vessel is conveyed, sells, conveys, assigns, exchanges, or encumbers the vessel, any part thereof, or any associated historic artifact; or

(4) the eligible entity to which the vessel is conveyed, conducts any commercial activities at the vessel, any part thereof, or in conjunction with any associated historic artifact.

(c) AGREEMENT REQUIRED.—Except as may be otherwise explicitly provided by statute, a United States Government vessel may not be conveyed to an entity unless that entity agrees to comply with any terms or conditions imposed on the conveyance under this section.

(d) RECORDS AND MONITORING.—

(1) COMPILATION AND TRANSFER.—The Secretary shall provide a written or electronic record for each vessel conveyed pursuant to

the Secretary’s authority, including the vessel registration, the application for conveyance, the terms and conditions of conveyance, and any other documents associated with the conveyance, and any post-conveyance correspondence or other documentation, to the Administrator.

(2) MONITORING.—For a period not less than 5 years after the date of conveyance the Administrator shall monitor the eligible entity’s use of the vessel conveyed to ensure that the vessel is being used in accordance with the purpose for which it was conveyed. The Administrator shall create a written or electronic record of such monitoring activities and their findings.

(3) MAINTENANCE.—The Administrator shall maintain vessel conveyance records provided under paragraph (1), and monitoring records created under paragraph (2), on each vessel conveyed until such time as the vessel is destroyed, scuttled, recycled, or otherwise disposed of. The Administrator may make the records available to the public.

(e) COST ESTIMATES.—The Secretary may provide an estimate to an eligible entity of the cost of maintaining and operating any vessel to be conveyed to that entity.

(f) GUIDANCE.—The Secretary may issue guidance concerning the types and extent of commercial activities, including the sale of goods or services incidental to, and consistent with, the purposes for which a vessel was conveyed, that are approved by the Secretary for purposes of subsections (a)(2) and (b)(4) of this section.

#### SEC. 3. WORKING GROUP ON CONVEYANCE OF UNITED STATES VESSELS.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall convene a working group, composed of representatives from the Maritime Administration, the Coast Guard, and the United States Navy to review and to make recommendations on a common set of conditions for the conveyance of vessels of the United States to eligible entities (as defined in section 2(d)(2)). The Secretary may request the participation of senior representatives of any other Federal department or agency, as appropriate.

#### SEC. 4. CIVIL ENFORCEMENT OF CONVEYANCE CONDITIONS.

(a) CIVIL ADMINISTRATIVE PENALTIES.—

(1) Any eligible entity found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have failed to comply with the terms and conditions under which a vessel was conveyed to it shall be liable to the United States for a civil penalty. The amount of the civil penalty under this paragraph shall not exceed \$10,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(2) COMPROMISE OR OTHER ACTION BY THE SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty imposed under this section that has not been referred to the Attorney General for further enforcement action.

(b) HEARING.—For the purposes of conducting any investigation or hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United

States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Nothing in this Act shall be construed to grant jurisdiction to a district court to entertain an application for an order to enforce a subpoena issued by the Secretary of Commerce to the Federal Government or any entity thereof.

(c) JURISDICTION.—The United States district courts shall have original jurisdiction of any action under this section arising out of or in connection with the operation, maintenance, or disposition of a conveyed vessel, and proceedings with respect to any such action may be instituted in the judicial district in which any defendant resides or may be found. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

(d) COLLECTION.—If an eligible entity fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter may be referred to the Attorney General, who may recover the amount (plus interest at currently prevailing rates from the date of the final order). In such action the validity, amount, and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any eligible entity that fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney’s fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such the entity’s penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(e) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this Act, process may be served in any district where the defendant is found, resides, transacts business or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with Rule 4 of the Federal Rules of Civil Procedure.

#### SEC. 5. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a State or local government, nonprofit corporation, educational agency, community development organization, or other entity that agrees to comply with the conditions established under this section.

(3) SECRETARY.—The term “Secretary” means the Secretary of the department or agency on whose authority a vessel is conveyed to an eligible entity.

(4) UNITED STATES GOVERNMENT VESSEL.—The term “United States government vessel” means a vessel owned by the United States Government.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS,

Mr. CORNYN, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENGLISH, Mr. FEINGOLD, Mr. HAGEL, Mr. HARKIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mrs. McCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. REID, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. VOINOVICH, Mr. WHITEHOUSE, and Mr. WYDEN):

S.J. Res. 16. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

S.J. Res. 16. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, earlier this year, while the Senate was resuming its business in a new Congress, two dozen families on the other side of the world were fleeing their homes. Ninety-four men and women, some young some old, grabbed whatever belongings they could carry and headed north along the eastern Burmese border to escape the torment of a brutal regime.

Human rights officials tell us what happened next. Late last month, these families were forced to move again. And as I stand here today, they are cramped inside the homes of other refugees. We are looking forward to summer vacations. They are looking ahead at the bitter work of building new homes in the rain, with their hands, in a remote corner of a stark, isolated wasteland the world seems to have forgotten.

Mr. President, I am here to report that the United States has not forgotten. We will continue to shine a light on the oppressive and illegitimate military regime that drove these families from their homes. And I will rise every year, as I do today, with my good friend the senior Senator from California, to reintroduce a bill that extends for another year a ban on imports from Burma.

Republicans and Democrats work together proudly on some things in the Senate. The Burmese Freedom and Democracy Act is one of them. I am pleased to say that even though the control of Congress has changed, its commitment to the people of Burma has not. Senator FEINSTEIN and I are joined this year by 57 cosponsors, more than last year and the year before that. On the Republican side, for example, the people of Burma have no better friend than the senior Senator from Arizona, Mr. MCCAIN.

Support for the people of Burma is growing on Capitol Hill. Senator FEIN-

STEIN and the senior Senator from Texas recently formed the Women's Caucus on Burma. The First Lady attended its first meeting last month, adding her voice to a growing chorus of those opposed to the Burmese regime. The voices are not just coming from Washington. But the words and actions of Washington are beginning to cause others to take note of this dire situation.

Last year, the United Nations Security Council agreed for the first time to put Burma on its agenda. In January, a U.N. Security Council resolution that enjoyed the support of a majority of the Council's member nations was unfortunately blocked by Russian and Chinese vetoes. We remain encouraged by the fact that nine countries agreed to hold the regime accountable. We urge Russia and China to reconsider their stance.

We know others are beginning to notice Burma because 3 years ago the Association of Southeast Asian nations called the sufferings in Burma "an internal matter." Yet today ASEAN recognizes that the "Burma problem" is its problem, too.

Southeast Asian leaders have spoken out more frequently and forcefully over the last year in calling for democratic reforms. They join the United States and other freedom-loving people who have demanded for years that the military thugs who control Burma loosen their grip.

We know others are starting taking notice because earlier this year the United Nations Secretary General, Ban Ki-Moon, urged the release of Burma's roughly 1,300 political prisoners, including the world's only imprisoned Nobel Laureate, Aung San Suu Kyi.

And we know others are starting to take notice because that effort was followed by a letter signed by 59 former heads of state.

The Burmese military regime, the State Peace and Development Council, is on notice: the wider international community, including its neighbors, are increasingly aware and increasingly outraged by its behavior.

Mr. President, The purpose of sanctions is to change behavior. And the changes we seek, in partnership with the Burmese people, are these: concrete, irreversible steps toward reconciliation and democratization that include the full, unfettered participation of the National League for Democracy and ethnic minorities; ending attacks on ethnic minorities; and the immediate, unconditional release of all prisoners of conscience, including Suu Kyi. The regime also needs to know that a sham constitutional process and token prisoner releases will not be regarded by anyone as progress toward these goals.

The argument against sanctions—that they are most harmful to those they are meant to help—is well known. But it does not apply to Burma. It has long been the policy of the NLD, the winner of Burma's last democratic

election, to seek reform through sanctions against the current regime.

And for good reason. Burma's military junta has maintained an iron grip on every aspect of the country's economy. Its leaders flaunt and squander whatever wealth they can squeeze from Burmese workers, leaving the country's economy in ruins—but leaving enough aside for its current leader, GEN Than Shwe, to impulsively relocate the Burmese capital from Rangoon at a cost of millions, or to throw a wedding for his daughter that is reported to have cost millions more.

The military junta has complete control over the flow of goods and money in and out of Burma. And every dollar that is spent on Burmese products is money spent on financing the regime. It is the SPDC, not the allies of the Burmese people, who are responsible for Burma's economic woes.

As diplomatic pressure intensifies, as the rest of the international community undertakes the kind of change we have seen in ASEAN, the supporters of the Burmese Freedom and Democracy Act are confident this regime will be forced to change its ways.

The situation is urgent. Burma's military regime has become increasingly reckless. And the humanitarian situation is grave and deteriorating: the junta has intensified its abuse of minority groups through rape and forced labor. It continues to harass and detain a new generation of peaceful activists, activists like a young woman named Su Su Nway, who has inspired the world with her resolute defiance of forced labor practices.

In standing up to the Burmese regime, Su Su Nway drew inspiration from Suu Kyi. Now she is inspiring another generation of Burmese activists who are willing to defend their rights and, despite the danger to themselves, refuse to remain silent in the face of the abuses they see.

According to the Los Angeles Times, Su Su Nway was asked by a radio reporter last year whether she feared imprisonment. Her simple but eloquent response should give us hope in the determination of this new generation of activists. "I will stand for the truth," she said.

The crimes of the Burmese government are well documented. Here is what we know: nearly 70,000 children have been taken from their homes and forcibly conscripted—that's more children than live in all of Lexington, the second-largest city in my State.

Forced labor is a daily threat in the southeastern Karen State, where military personnel force villagers to build roads and shelters, without food or pay, and to leave their homes and farms to do the work. Some are used as human shields against democratic insurgents.

These are the lucky ones. Others are forced to walk ahead of military convoys to act as human minesweepers. If there is a landmine, they blow up. It is from diabolical thugs like these that

desperate, exhausted families are fleeing their homes.

Drugs and disease are spreading across Burma's borders along with its people, and it is no secret why. According to the World Health Organization, Burma is home to one of the worst AIDS epidemics in Southeast Asia. Yet it spent just \$137,000 last year on the care and treatment of people with HIV/AIDS, even as it spends countless millions on Chinese and Russian tanks and jets.

You can tell a lot about a man from the company he keeps. We could say the same about governments. In late April, Burma established diplomatic relations with the government of North Korea for the first time in two decades. It was reported last month that a North Korean cargo ship docked in Burma. This is a disturbing development to those of us on the outside looking in. It can only be discouraging to democratic reformers inside Burma.

News of North Korea's presence on the Burmese coast came shortly after another troubling piece of news. In early April, Burma's second in command led a delegation on the nation's first-ever high-level trip to Russia. And last month, the Burmese government announced an agreement with Russia to build a nuclear research reactor in Burma.

This should send a chill up the spine of every one of us. Even peaceful nations that lack the proper legal and regulatory framework should not be allowed to have a nuclear program. Those that torture and abuse their own people and consort with rogue regimes such as North Korea should not be allowed to even contemplate it.

And this is how this rogue regime has held onto its power: Internal efforts at reform are violently stamped out, as they were when thousands of peaceful prodemocracy protesters were slaughtered in 1988. In response to a national election in 1990, in which Suu Kyi's party, the NLD, won 80 percent of the seats in a new parliament, the regime simply threw out the results.

By refusing to accept imports from a regime that terrorizes people like Suu Kyi, Su Su Nway, and so many others, we are standing up and facing these tyrants at our own borders and turning them back—until they release these prisoners and begin the process of democratization and reconciliation. Every dollar we keep out of the hands of this junta is one less dollar it can use to fund the conscription of children, its nuclear program, and the war it has waged against its own people for nearly two decades.

Later this month, Suu Kyi will celebrate her 62nd birthday, alone. I urge my colleagues to stand with her as that day approaches. By denying support for those who imprison her, we will pressure them to change.

There are fresh signs that these sanctions have begun to do their work. But we need to keep the pressure on. So I ask my colleagues to join me in sup-

porting the Burmese Freedom and Democracy Act.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. CORNYN, Mr. KOHL, and Mr. WHITEHOUSE):

S. 1640. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a small but important piece of intellectual property legislation today with my friends from Texas, Wisconsin, and Rhode Island. Our recent collaborations have been fruitful and important. The OPEN Government Act with Senator CORNYN, NOPEC with Senator KOHL, and patent reform with Senator WHITEHOUSE. Today, we are joining together to reintroduce the Vessel Hull Design Protection Act Amendments of 2007.

Designs of boat vessel hulls are often the result of a great deal of time, effort, and financial investment. They are afforded intellectual property protection under the Vessel Hull Design Protection Act that Congress passed in 1998. This law exists for the same reason that other works enjoy intellectual property rights: to encourage continued innovation, to protect the works that emerge from the creative process, and to reward the creators. Recent courtroom experience has made it clear that the protections Congress passed 7 years ago need some statutory refinement to ensure they meet the purposes we envisioned. The Vessel Hull Design Protection Act Amendments shore up the law, making an important clarification about the scope of the protections available to boat designs.

We continue to be fascinated with, and in so many ways dependent on, bodies of water, both for recreation and commerce. More than 50 percent of Americans live on or near the coastline in this country. We seem always to be drawn to the water, whether it is the beautiful Lake Champlain in my home State of Vermont or the world's large oceans. As anyone who has visited our seaports can attest, much of our commerce involves sea travel. Protecting boat designs and encouraging innovation in those designs are worthy aims, and I hope we can move quickly to pass this bipartisan legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1640

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

#### SECTION 1. VESSEL HULL DESIGN PROTECTION.

(a) SHORT TITLE.—This section may be cited as the “Vessel Hull Design Protection Amendments of 2007”.

(b) DESIGNS PROTECTED.—Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

“(2) VESSEL FEATURES.—The design of a vessel hull, deck, or combination of a hull and deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).”.

(c) DEFINITIONS.—Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking “vessel hull, including a plug or mold,” and inserting “vessel hull or deck, including a plug or mold,”;

(2) by striking paragraph (4) and inserting the following:

“(4) A ‘hull’ is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments.”; and

(3) by adding at the end the following:

“(7) A ‘deck’ is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.”.

Mr. CORNYN. Mr. President, I rise today along with the senior Senator from Vermont to introduce the Vessel Hull Design Protection Act Amendments of 2007. This is another significant piece of legislation on which I proudly have teamed with Senator LEAHY, the chairman of the Senate Judiciary Committee. Most recently, we have worked together on important reforms to the Freedom of Information Act, and also introduced comprehensive patent reform legislation. I am glad to continue our work by introducing this legislation which, though seemingly technical and minor, offers very important clarifications about the scope of protections available to boat designers.

Boat designs, like any technical designs, are complex and are the result of a great deal of hard work and contribution of intellectual property. Accordingly, Congress enacted the Vessel Hull Design Protection Act in 1998 to provide necessary protections that were not present among copyright statutes prior to that time. The act has been instrumental for the continued development and protection of boat designs but unfortunately recently has encountered a few hurdles.

A recent court decision raised questions about the scope of protections available to various boat designs. Justifiably or not, this interpretation under the VHDPA unfortunately has led many in the boat manufacturing industry to conclude that the act's provisions are not effective at protecting vessel designs. Intellectual property protection of those designs is critical to these manufacturers in order to encourage innovative design, and a clarification of the law is needed.