

Jenkins	Nunes	Shays
Jones (NC)	Nussle	Sherwood
Keller	Osborne	Shimkus
Kelly	Ose	Shuster
Kennedy (MN)	Otter	Simmons
King (IA)	Oxley	Simpson
King (NY)	Paul	Smith (MI)
Kingston	Pearce	Smith (NJ)
Kirk	Pence	Smith (TX)
Kline	Peterson (MN)	Stearns
Knollenberg	Peterson (PA)	Sullivan
Kolbe	Petri	Sweeney
LaHood	Pitts	Tancred
Latham	Platts	Tauzin
Leach	Porter	Taylor (NC)
Lewis (CA)	Portman	Terry
Lewis (KY)	Pryce (OH)	Thomas
Linder	Putnam	Thornberry
LoBiondo	Quinn	Tiahrt
Lucas (OK)	Radanovich	Tiberi
Lynch	Rahall	Toomey
Manzullo	Ramstad	Turner (OH)
McCotter	Rehberg	Udall (CO)
McCrery	Renzi	Upton
McHugh	Reynolds	Vitter
McInnis	Rogers (AL)	Walden (OR)
McKeon	Rogers (KY)	Walsh
Mica	Rogers (MI)	Wamp
Miller (FL)	Rohrabacher	Weldon (FL)
Miller (MI)	Ros-Lehtinen	Weldon (PA)
Miller, Gary	Royce	Weller
Moran (KS)	Ryan (WI)	Whitfield
Murphy	Saxton	Wicker
Musgrave	Schrock	Wilson (NM)
Nethercutt	Sensenbrenner	Wilson (SC)
Neugebauer	Sessions	Wolf
Ney	Shadegg	Young (FL)
Northup	Shaw	

NOES—180

Abercrombie	Gonzalez	Michaud
Ackerman	Holden	Millender-
Alexander	Green (TX)	McDonald
Allen	Grijalva	Miller (NC)
Baca	Gutierrez	Mollohan
Baird	Hall	Moore
Baldwin	Harman	Moran (VA)
Ballance	Hastings (FL)	Murtha
Becerra	Hill	Napolitano
Bell	Hinojosa	Neal (MA)
Berkley	Hoefel	Oberstar
Berry	Holden	Obey
Bishop (GA)	Holt	Olver
Bishop (NY)	Honda	Ortiz
Blumenauer	Hooley (OR)	Owens
Boswell	Hoyer	Pallone
Boucher	Inslee	Pastor
Boyd	Israel	Pelosi
Brady (PA)	Jackson (IL)	Pomeroy
Brown (OH)	Jackson-Lee	Price (NC)
Brown, Corrine	(TX)	Reyes
Capps	Jefferson	Ross
Capuano	Johnson (IL)	Rothman
Cardin	Johnson, E. B.	Ruppersberger
Cardoza	Kanjorski	Rush
Carson (IN)	Kaptur	Ryan (OH)
Carson (OK)	Kennedy (RI)	Sabo
Case	Kildee	Sanchez, Linda
Clay	Kilpatrick	T.
Clyburn	Kind	Sanchez, Loretta
Coble	Kleczka	Sanders
Conyers	Lampson	Sandlin
Cooper	Langevin	Schakowsky
Costello	Lantos	Schiff
Cramer	Larsen (WA)	Scott (GA)
Crowley	Larson (CT)	Scott (VA)
Cummings	Lee	Serrano
Davis (AL)	Levin	Sherman
Davis (CA)	Lewis (GA)	Skelton
Davis (FL)	Lipinski	Slaughter
Davis (IL)	Lofgren	Smith (WA)
Davis (TN)	Lowey	Snyder
DeFazio	Lucas (KY)	Solis
DeLauro	Majette	Spratt
Deutsch	Maloney	Stenholm
Dicks	Markey	Strickland
Dingell	Marshall	Stupak
Doggett	Matheson	Tanner
Doyle	Matsui	Tauscher
Edwards	McCarthy (MO)	Taylor (MS)
Emanuel	McCollum	Thompson (CA)
Eshoo	McDermott	Thompson (MS)
Etheridge	McGovern	Tierney
Evans	McIntyre	Towns
Farr	McNulty	Turner (TX)
Filner	Meehan	Udall (NM)
Ford	Meek (FL)	Velazquez
Frank (MA)	Meeks (NY)	Vislosky
Frost	Menendez	Waters

Watson	Weiner	Wu
Watt	Wexler	Wynn

NOT VOTING—49

Andrews	Graves	Pascrell
Ballenger	Greenwood	Payne
Bereuter	Hinchev	Pickering
Berman	Houghton	Pombo
Boehner	Hyde	Rangel
Burton (IN)	Janklow	Regula
Camp	John	Rodriguez
Carter	Johnson (CT)	Roybal-Allard
Deal (GA)	Johnson, Sam	Ryun (KS)
DeGette	Jones (OH)	Souder
Delahunt	Kucinich	Stark
DeMint	LaTourette	Van Hollen
Dooley (CA)	McCarthy (NY)	Waxman
Emerson	Miller, George	Woolsey
Engel	Myrick	Young (AK)
Fattah	Nadler	
Gephardt	Norwood	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1201

Messrs. COBLE, DICKS, FRANK of Massachusetts, RUSH, SPRATT, Ms. WATERS, and Mr. WYNN changed their vote from “aye” to “no.”

Messrs. LEWIS of California, SAXTON, TANCREDO, THOMAS, and WALDEN of Oregon changed their vote from “no” to “aye.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

Stated for:

Mr. BEREUTER. Mr. Speaker, on September 4, 2003, this Member unavoidably missed rollcall vote No. 465. Because this was a 5-minute vote, in contrast to the normal practice of 15 minutes employed on the floor when votes are not predicted, this Member returned to Committee and was unaware that the normal practice was not pursued. Several other Members were in the same position. Had this Member been present, this Member would have voted “aye” on this procedural vote to table the motion to reconsider the previous vote.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2989.

The Chair designates the gentleman from California (Mr. DREIER) as Chairman of the Committee of the Whole, and requests the gentleman from Virginia (Mr. GOODLATTE) to assume the chair temporarily.

□ 1202

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. GOODLATTE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to present the Departments of Transportation, Treasury, and independent agencies appropriations bill for fiscal year 2004. Because of the reorganization of the Committee on Appropriations, this is an entirely new arrangement for the form in which these agencies are presented to the House. In this bill, many of the historical programs that were part of the Transportation Department and the Treasury Department were merged with the new Department of Homeland Security, and then the remaining programs have now been combined in this legislative package with the appropriations for agencies such as the General Services Administration, the Office of Personnel Management, the White House, the Executive Office of the President, the Office of Management and Budget and other critical agencies which are, at times, dissimilar in their functions, however.

As a result, in putting together this bill we have made budget trade-offs that previously were not made by this particular subcommittee. We have merged Members of Congress and committee staff from two former subcommittees, and accomplishing the production of a \$90 billion bill only a few months into that task has been a Herculean task. Fortunately, we have been blessed with good people, good Members, such as the ranking member, the gentleman from Massachusetts (Mr. OLVER), Mr. ETHERIDGE and other staff that I will recognize later for their role in this bill.

But I believe we have produced a good product for the House. We have had a lot of learning, many hearings, and the members of the subcommittee have shown enormous dedication to produce this bill. I believe this is a very good and solid bill. In most respects, it matches the budget request and the priorities of the President, and makes some significant improvements along the way.

In particular, I am pleased that by exercising great discipline in a number of areas, we are able to do more than the President anticipated for investing in the Nation's highways. The budget, unfortunately, due to downward movement in the Highway Trust Fund revenue, proposed an 8 percent reduction in funding for Federal aid to highways. Thanks to the discipline we have exercised in other areas, this bill instead provides a 7 percent increase. So it is \$4.5 billion more than the President's request expected we would be able to

do, and some \$2.2 billion more than Federal aid to highways during the current fiscal year.

That money is excellent and significant news for America's economy, because each \$1 billion of highway investment creates some 40,000 jobs. So compared to the current year's funding, this bill will add another 88,000 jobs across the country in highway construction alone. Compared to what we expected we would be able to produce this year, this bill will add some 200,000 jobs across the country.

That is good news also for the millions of motorists that are stuck in traffic congestion. According to the U.S. Department of Transportation, America has unprecedented and worsening levels of highway congestion. In urban areas, the largest urban areas that have 3 million people or more, 40 percent of the travel every day is under congested conditions. It costs the economy billions of dollars with lost productivity because of workers that are stuck in traffic. The backlog of highway and bridge deficiencies continues to rise. There is now over \$325 billion, according to the Federal Highway Administration, and some \$400 billion, according to other Department of Transportation sources, in unaddressed highway construction needs in the United States of America.

We have to get America to work and move goods to market, and this bill seeks to do that. No other form of transportation offers the flexibility and the ability to move large numbers that our road network offers. Well over 90 percent of the vehicle miles traveled in the United States today take place on the highway. That is the way we move, that is the way that goods get to market, it is the way emergency vehicles and public safety vehicles are able to move.

We have to address the critical problem of highway infrastructure to get America moving again. This bill seeks to do that in a very significant way, but without any increases in taxes or in revenue.

While the needs go up, Mr. Chairman, our ability to respond to them has been threatened by the tightness of the budget. There has been a dramatic decline in highway gasoline tax revenues. Gas tax receipts put into the highway account of the trust funds went down almost \$6 billion between 1999 and 2002. We do not expect them to return to the 1999 level until the year 2008. That is why the tough decisions that we have made and the priorities we have set in this bill are so important to work on that backlog in a time of limited resources.

At the same time, there are increasing pressures on the general fund due to Homeland Security and national defense priorities. We are trying to be fiscally responsible and use this money more wisely and set tough priorities among many competing demands. We will hear many Members talk about things that they wish we had the

money to do. It would be nice, but we do not have the luxury of doing things that we could in times of rising revenues.

While increasing funds for highway investment, we had to hold down other increases. For the Department of the Treasury, the FAA, the Federal Aviation Administration, the Office of Personnel Management, we, by necessity, have provided cost-of-living increases and other mandatory expenses that are about 4 to 5 percent increases for those agencies, but the Executive Office of the President and others have only a 1 percent increase. We are exercising the fiscal restraint which is necessary.

I do want to express special appreciation, of course, to everyone that has made it possible in making these tough decisions. The gentleman from Massachusetts (Mr. OLVER) I have singled out previously. He has been tough, but fair, in presenting his priorities. His input and advice have been invaluable, and our work is the better for his contribution.

I want to thank the chairman of the full committee, the gentleman from Florida (Mr. YOUNG), for his fair and generous allotment to our subcommittee.

Let me make sure that I also address a couple of areas that I know will be part of the debate on this bill. Let us look at Amtrak.

The bill includes \$900 million for Amtrak. Some will say that is not enough. Well, that is because Amtrak says they wanted twice as much. But, keep in mind, Amtrak is not a Federal agency. They are in a special status, a special private situation. They can ask for whatever they want, but their requests have not gone through the same budget and vetting process as has been the case with the other agencies that have requested money.

Amtrak's request did not go through the Office of Management and Budget. It was not balanced against other transportation priorities. It was a request of what they said they want. Their desires are transmitted directly to the Congress. But the administration does not support the large request that came from Amtrak, and neither do I.

As the Secretary of Transportation, Mr. Mineta, stated in a letter that he wrote to me recently, and I quote the Secretary, "The problems at Amtrak simply will not go away with a more liberal application of dollars."

We are at a defining moment in the Amtrak history, where we can go down the road of binding them to reform and making tough decisions on where it makes sense for Amtrak to operate and where it does not, or we can just throw money at the problem, money that we do not have and that will move millions more people if that money is applied elsewhere.

We should understand that of all the rail passengers in the country, only 5 percent or less are moved by Amtrak. Most of them are moved by commuter

rail systems, not by Amtrak. Amtrak is not synonymous with the railroads of America. Amtrak is not synonymous with rail passenger service.

Reform legislation is pending before the Congress with Amtrak, but it has not been acted on by the authorizing committees. Until that happens, I believe it would be folly to provide huge increases for this railroad that has not kept up its commitments, that has not been honest with the American people.

We should not be swayed by their claims that they would go out of business unless they receive another \$1.8 billion. They have tried to make that case by adopting poison-pill policies saying, oh, we have all these hundreds of millions of dollars in severance pay that we have agreed to to make it a poison pill, to keep people from making the serious decisions that need to be made for Amtrak.

Even they admit that most of their request is not needed for next year's operating bills. They want taxpayer money for their long-term capital investments because they have handled their system so poorly they find it difficult to attract private dollars. We should not accept their "sky is falling, Chicken Little" arguments. This bill is more than fair to Amtrak and would be sufficient, more than sufficient, to meet the really important parts of their operating needs.

Let me also address what will be another part of the debate on this bill, Mr. Chairman, the Federal Highway Transportation Enhancements Program. Several Members expressed concern about the program and, because of that, the approach that was taken by the full Committee on Appropriations is to say that transportation enhancements are a program that States are permitted to spend money on with their allocation of Federal highway dollars, but we will no longer force them to spend money on bike paths or pedestrian paths if they have higher priorities for their bridges that are unsafe, as thousands of bridges are, or their roads that are unsafe, as thousands of miles of roads are, or their congestion problems.

□ 1215

This is a decision affecting some \$600 million a year, Mr. Chairman. I trust the States to make their decision. Is it of greater importance to the people in their State and in their community to move a small number of people, to make a pedestrian path available or to move a large number of people and enhance their workforce and economic development and productivity by relieving congestion where they find it? I trust States to make that decision.

The bill permits them to offer an amendment I know will be offered to try to say no, they must spend 10 percent of their surface transportation dollars which comes from highway users, which comes from gasoline taxes; but they must spend it on things that do not help move the traffic and

do not help do the work and the business of America. The Transportation Enhancement Program funds transportation museums, for example, at the expense of the thousands of unsafe bridges that each of us have a portion of in our district.

So I look forward to what I hope will be a fair and honest and elucidating debate on that particular topic. And it will be of interest, Mr. Chairman, to know how many Members who tell me sometimes, oh, I need money for a highway project in my district, but if they vote today to say no it is more important to me to take money out of my highways and put into things that do not relieve the congestion and meet the transportation needs of the countries, then I will understand what their true priorities are. We need to make those important decisions.

There is one final area of the bill that I want to make clear because I have talked mostly about transportation. The Department of Treasury is in this bill. It provides critical contributions to the war on terrorism. It is more than just the agency that houses the Internal Revenue Service. For example, the bill provides several million dollars above the President's request for stronger involvement on the Treasury Department and international affairs, including technical advisors for rebuilding the currency bank and financial systems in Iraq. The Treasury Department has a crucial role, which we fund under this bill, to stop the money trafficking that is funding terrorist activity around the globe. It includes \$2.3 million more for the new office of terrorist financing and financial crimes, another \$5.3 million for the IRS for counterterrorism activities, and 21, almost 22, million dollars for the Office of Foreign Assets Control, which is responsible for freezing the assets of terrorist organizations, and some \$57 million for the financial crimes enforcement network.

All of these are important elements of the war on terrorism. We fund each of them at or above the administration's request in our bill.

In conclusion, Mr. Chairman, I believe this bill is fair and it is balanced. It provides for the major needs for the Departments of Transportation and Treasury and the other independent agencies, such as the GSA, all within the tight constraints of our budget. We have developed the bill in consultation with the minority and with each of the staffs involved. I support the bill wholeheartedly, and I ask for the support of each Member.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 10 seconds to the gentleman from Wisconsin (Mr. OBEY).

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN pro tempore (Mr. GOODLATTE). Does the gentleman from Massachusetts (Mr. OLVER) yield for that purpose?

Mr. OLVER. Mr. Chairman, I do. The CHAIRMAN pro tempore. The question is on the motion to rise offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 298, not voting 36, as follows:

[Roll No. 466]

AYES—100

Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Brown (OH)
Capuano
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
DeLauro
Deutsch
Doggett
Evans
Farr
Filner
Frank (MA)
Frost
Grijalva
Hall
Hastings (FL)

Hill
Hinchev
Hinojosa
Holt
Hooley (OR)
Hoyer
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Klecicka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Majette
Maloney
Markey
McGovern
McIntyre
Meehan
Meeke (NY)
Millender-
McDonald
Miller (NC)
Miller, George
Moran (VA)

Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pelosi
Pomeroy
Ross
Rothman
Ryan (OH)
Sabo
Sanchez, Linda
T.
Sandlin
Schakowsky
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velazquez
Waters
Watson
Watt
Wynn

NOES—298

Abercrombie
Aderholt
Akin
Allen
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggart
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)

Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Castle
Chabot
Choccola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn

Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes

Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hostettler
Houghton
Hulshof
Hunter
Insee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott

McInnis
McKeon
McNulty
Meek (FL)
Menendez
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Rush

Ryan (WI)
Ryan (KS)
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu

NOT VOTING—36

Brown, Corrine
Cannon
Deal (GA)
DeGette
Delahunt
DeLay
DeMint
Dooley (CA)
Engel
Fattah
Gephardt
Gonzalez

Graves
Hyde
Janklow
John
Jones (OH)
Kucinich
LaTourette
McHugh
Mica
Ortiz
Payne
Pickering

Rangel
Regula
Rodriguez
Roybal-Allard
Sanders
Slaughter
Smith (WA)
Waxman
Wexler
Woolsey
Young (AK)
Young (FL)

□ 1240

Messrs. FLAKE, GALLEGLY, THOMPSON of California and GINGREY changed their vote from "aye" to "no."

Mr. HOYER changed his vote from "no" to "aye."

So the motion was rejected. The result of the vote was announced as above recorded.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from Oklahoma (Chairman ISTOOK) for working so hard to get this bill to the floor. I think it has been a more difficult task than many of us believe, but I also want to take a moment to thank the staff on both sides of the aisle for their hard work on this bill.

On the majority side, I want to recognize our clerk, Rich Efford, and Cheryl Tucker, Leigha Shaw, Kurt Dodd, Walter Hearne and Bill Nicholson.

On the minority side, I particularly want to thank Mike Malone and Beverly Pheto from the committee staff and Bob Letteney and Rob Gatehouse from my personal staff.

I want to pay a special recognition and thanks to my legislative director, Bob Letteney, who has been a member of my staff since 1997. He has handled transportation appropriations issues on my personal staff for the last several years, but Bob is one of a handful of Federal employees selected this year as a Mike Mansfield fellow, and that unique program named for the former Senate majority leader and Ambassador to Japan places Federal workers in targeted Japanese Government agencies where an exchange of knowledge would be beneficial to both countries. It is an honor to be chosen for a Mansfield fellowship, and the program directors could not have selected a better candidate than Bob Letteney. So I thank Bob for his years of hard work in my office, and I wish him the best of luck in Japan and beyond.

Mr. Chairman, as I said, this has been a long road to get this bill to the floor, and I appreciate the chairman working with us to make substantial changes to the original subcommittee mark. Among other things, during full committee, money was added back for rural communities that rely on essential air service programs.

In full committee we also increased funding for new starts transit projects and added some money, though not nearly enough, to the Amtrak program.

The bill also obligates over \$33 billion, of course this is a major nut of funding in this appropriations bill, for the Nation's highway program, and that is the largest, obviously, piece in this whole legislation. Each billion will create some 45,000 new jobs. Yet we still have a long way to go to get what I would consider a balanced Transportation Treasury bill.

The bill cripples the enhancement program by eliminating the minimum authorized guarantee for enhancements that has been in effect for the 12 years of the ISTEA and TEA-21 authorizations that were established by overwhelming votes of this Congress.

□ 1245

Enhancements include bike trails, pedestrian walkways, and money for historic preservation. They are vital components of the transportation system and enhance the fabric of our local communities. The chairman of the Subcommittee on Highways and Transit and Pipelines of the Committee on Transportation and Infrastructure, the gentleman from Wisconsin (Mr. PETRI), along with me and a large bipartisan group of Members, will have an amendment to preserve that enhancement program.

The bill only provides \$900 million for Amtrak, pushing them to the brink of a shutdown, despite the fact that 220 Members of this body sent a letter to the Committee on Appropriations supporting Amtrak's request for \$1.8 billion. I also will offer an amendment to restore funding for Amtrak.

Transit programs are still woefully underfunded. The New Starts transit account is still \$300 million below the President's request for the New Starts program.

Job access and reverse commute grants are cut by \$64 million from last year's enacted bill. These funds help low-income families in rural and urban areas get rides to work, school and health care appointments.

For the FAA, funds are not provided as requested by the President to begin hiring additional air traffic controllers in advance of an imminent wave of retirements.

And on the Treasury side of the bill, \$100 million is included to implement an earned income tax credit precertification program that would subject four million working poor to additional burdens each year and drive many of them away from the program which former President Ronald Reagan called our most effective program to reduce poverty.

This bill also contains no funding for Federal courthouse construction at a time when we already face a significant backlog of construction and renovation needs, and this will certainly make the situation worse.

On the floor today and in conference, I hope we will be able to rectify some of these problems and have strong bipartisan support for the end product of those deliberations.

I want to pay special recognition and thanks to my Legislative Director, Bob Letteney, who has been a member of my Washington staff since 1997.

Bob started with me as a Staff Assistant and worked his way all the way up to Legislative Director. He has handled transportation appropriations issues on my personal staff for the last several years.

Bob is one of a handful of federal employees selected this year as a Mike Mansfield fellow.

This unique program, named for the former Senate Majority Leader and Ambassador to Japan, places federal workers in targeted Japanese government agencies where an exchange of knowledge would be beneficial to both countries. The federal workers selected as fellows study Japanese language and cultural intensively for the first year of a two-year program, and after that are placed in a Tokyo agency appropriate for their background and professional interests.

It's an honor to be chosen for a Mansfield fellowship, and the program directors couldn't have selected a better candidate than Bob Letteney. I understand Bob wants to be placed in a rail transportation agency, and this is clearly a critical area for the U.S. over the next decade.

So it will be with mixed emotions that I say "goodbye" to Bob on his last day in my office next week. A Pittsfield, Massachusetts native

and a proud graduate of Pittsfield High School and then the University of Massachusetts at Amherst, Bob has been real home-grown success story and an invaluable staffer in my organization. The opportunity presented by the Mansfield fellowship, however, is a great one, and I know Bob will represent our Nation in outstanding fashion.

Bob, thank you for your years of hard work in my office, and I wish you the best of luck in Japan and beyond.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume to engage in a colloquy with the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Virginia.

Mr. CANTOR. Mr. Chairman, I rise to engage in a colloquy with Chairman ISTOOK regarding the Transportation/Treasury appropriation bill about the importance of funding the Richmond Federal courthouse. This courthouse project is very important to my constituents and will be critical to the economic revitalization of downtown Richmond.

The Richmond courthouse project has received a very high ranking from the Administrative Office of the Courts and is number two on its list of courthouse construction projects.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I appreciate the opportunity to share my thoughts on the matter with the gentleman from Virginia (Mr. CANTOR). I am very much aware of the need to fund the Richmond Federal courthouse. I am concerned, of course, about the funding needs for all of the Nation's courthouses.

As the gentleman is aware, due to budget limitations, we have not provided funding for any new courthouse construction in this bill, but I would like to be helpful to him and to his constituents, and I am looking for the necessary funds to finance courthouse construction projects, including the Richmond Federal courthouse. I understand the importance of it to the Federal Judiciary and that it is a critical element of the revitalization of downtown Richmond.

Mr. CANTOR. Mr. Chairman, if the gentleman will continue to yield, I want to thank him for his continued commitment to addressing the funding of the Federal courthouse in Richmond. The Federal courthouse will revitalize downtown Richmond and provide a critical link between the convention center area and Capital Square.

I have heard from many leaders in the City of Richmond about the necessity for funding this project, and I agree construction of the Federal courthouse is long overdue.

Again, I want to thank the chairman for his leadership and look forward to working with him on this program.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Oklahoma for yielding to me, and I want to say that I agree with the gentleman's comments with respect to the Richmond courthouse.

I might add, however, and I think the chairman hopefully shares this view, that the Los Angeles courthouse and others are on the priority list. As the gentleman knows, this committee has followed not a political agenda with respect to the funding of courthouses, but the court's determination of the most-needed facilities, of which Richmond, as the gentleman pointed out, comes very high.

I would hope the gentleman would join in urging the administration and urging the Congress to again start funding courthouses. If we do not, we are going to see the administration of justice put at risk in many of the highest demand areas in the country. So I appreciate the gentleman's comments about Richmond, but it applies as well to many other jurisdictions.

Mr. ISTOOK. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 10 seconds to the gentleman from Wisconsin (Mr. OBEY).

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. OLVER) yield to the gentleman from Wisconsin for that purpose?

Mr. OLVER. I do.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY) that the Committee do now rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 89, noes 302, answered "present" 1, not voting 42, as follows:

[Roll No. 467]

AYES—89

Ackerman	Deutsch	Kilpatrick
Alexander	Doggett	Kind
Baird	Emanuel	Klecza
Baldwin	Evans	Lampson
Becerra	Farr	Langevin
Berkley	Filner	Larsen (WA)
Berry	Frank (MA)	Larson (CT)
Bishop (GA)	Frost	Lee
Bishop (NY)	Grijalva	Lewis (GA)
Brown (OH)	Hastings (FL)	Lofgren
Capuano	Hinojosa	Markley
Carson (IN)	Holt	McDermott
Clyburn	Hoyer	McGovern
Cooper	Jackson (IL)	McNulty
Crowley	Johnson, E. B.	Meehan
Davis (TN)	Jones (OH)	Millender-
Delahunt	Kaptur	McDonald
DeLauro	Kennedy (RI)	Miller (NC)

Miller, George	Rothman	Stark
Moran (VA)	Rush	Stenholm
Nadler	Ryan (OH)	Stupak
Napolitano	Sabo	Tanner
Neal (MA)	Sanchez, Loretta	Thompson (MS)
Oberstar	Sanders	Tierney
Obey	Sandlin	Towns
Olver	Schakowsky	Udall (CO)
Pallone	Scott (GA)	Van Hollen
Pascarell	Slaughter	Velazquez
Pelosi	Snyder	Waters
Pomeroy	Solis	Watson

NOES—302

Abercrombie	Eshoo	Lucas (KY)
Aderholt	Etheridge	Lucas (OK)
Akin	Everett	Lynch
Allen	Fattah	Majette
Baca	Feeney	Maloney
Bachus	Ferguson	Manzullo
Baker	Flake	Marshall
Ballance	Fletcher	Matheson
Ballenger	Foley	McCarthy (MO)
Barrett (SC)	Forbes	McCarthy (NY)
Bartlett (MD)	Ford	McCollum
Barton (TX)	Fossella	McCotter
Bass	Franks (AZ)	McCrary
Beauprez	Frelinghuysen	McInnis
Bell	Gallely	McIntyre
Bereuter	Garrett (NJ)	Meek (FL)
Berman	Gerlach	Menendez
Biggett	Gibbons	Mica
Bilirakis	Gilchrest	Michaud
Bishop (UT)	Gillmor	Miller (FL)
Blackburn	Gingrey	Miller (MI)
Blumenauer	Goode	Miller, Gary
Blunt	Goodlatte	Mollohan
Boehlert	Gordon	Moore
Boehner	Goss	Moran (KS)
Bonilla	Granger	Murphy
Bonner	Green (TX)	Murtha
Bono	Green (WI)	Musgrave
Boozman	Greenwood	Myrick
Boswell	Gutknecht	Nethercutt
Boyd	Hall	Neugebauer
Bradley (NH)	Harman	Ney
Brady (PA)	Harris	Northup
Brady (TX)	Hart	Norwood
Brown (SC)	Hastings (WA)	Nunes
Brown-Waite,	Hayes	Osborne
Ginny	Hayworth	Ose
Burgess	Hefley	Otter
Burns	Hensarling	Owens
Burr	Herger	Pastor
Burton (IN)	Hill	Paul
Buyer	Hinchey	Pearce
Calvert	Hobson	Pence
Cannon	Hoeffel	Peterson (MN)
Cantor	Hoekstra	Peterson (PA)
Capito	Holden	Petri
Capps	Hooley (OR)	Pitts
Cardin	Hostettler	Platts
Cardoza	Houghton	Pombo
Carter	Hulshof	Porter
Case	Inslee	Portman
Castle	Isakson	Price (NC)
Chabot	Israel	Pryce (OH)
Chocola	Issa	Putnam
Coble	Istook	Quinn
Cole	Jackson-Lee	Radanovich
Collins	(TX)	Rahall
Costello	Jefferson	Ramstad
Cox	Jenkins	Rehberg
Cramer	Johnson (CT)	Renzi
Crane	Johnson (IL)	Reyes
Crenshaw	Jones (NC)	Rogers (AL)
Cubin	Kanjorski	Rogers (KY)
Culberson	Keller	Rogers (MI)
Cummings	Kelly	Rohrabacher
Cunningham	Kennedy (MN)	Ros-Lehtinen
Davis (AL)	Kildee	Ross
Davis (CA)	King (IA)	Royce
Davis (FL)	King (NY)	Ruppersberger
Davis (IL)	Kingston	Ryan (WI)
Davis, Jo Ann	Kirk	Ryun (KS)
Davis, Tom	Kline	Sanchez, Linda
Deal (GA)	Knollenberg	T.
DeLay	Kolbe	Saxton
Diaz-Balart, L.	LaHood	Schiff
Diaz-Balart, M.	Lantos	Schrock
Dicks	Latham	Scott (VA)
Doolittle	Leach	Sensenbrenner
Dreier	Levin	Serrano
Duncan	Lewis (CA)	Sessions
Dunn	Lewis (KY)	Shadegg
Edwards	Linder	Shaw
Ehlers	Lipinski	Shays
Emerson	LoBiondo	Sherman
English	Lowey	

Sherwood	Tauscher	Walden (OR)
Shimkus	Tauzin	Walsh
Shuster	Taylor (MS)	Wamp
Simmons	Taylor (NC)	Watt
Simpson	Terry	Weiner
Skelton	Thomas	Weldon (FL)
Smith (MI)	Thompson (CA)	Weldon (PA)
Smith (NJ)	Thornberry	Weller
Smith (TX)	Tiahrt	Whitfield
Smith (WA)	Tiberi	Wicker
Souder	Toomey	Wilson (NM)
Spratt	Turner (OH)	Wilson (SC)
Stearns	Turner (TX)	Wolf
Strickland	Udall (NM)	Wu
Sullivan	Upton	Wynn
Sweeney	Visclosky	Young (FL)
Tancredo	Vitter	

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—42

Andrews	Gonzalez	Nussle
Boucher	Graves	Ortiz
Brown, Corrine	Gutierrez	Oxley
Camp	Honda	Payne
Carson (OK)	Hunter	Pickering
Clay	Hyde	Rangel
Conyers	Janklow	Regula
DeGette	John	Reynolds
DeMint	Johnson, Sam	Rodriguez
Dingell	Kucinich	Roybal-Allard
Dooley (CA)	LaTourette	Waxman
Doyle	Matsui	Wexler
Engel	McHugh	Woolsey
Gephardt	Meeks (NY)	Young (AK)

□ 1312

Messrs. GALLEGLY, SWEENEY, KINGSTON and Mrs. EMERSON changed their vote from "aye" to "no." So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume for the purpose of a colloquy with the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the gentleman for an opportunity to speak on behalf of a project very important to motorists, to commerce, and to the well-being of millions of residents and visitors to southwest Florida.

As a great number of my colleagues and their families know, there has been a steady and dramatic increase in the population in the southwest Florida area.

□ 1315

This growth is indeed welcome. It is reflective of a robust economy and a wonderful quality of life, but it has contributed to the serious congestion of our only interstate, I-75.

We have requested funds that would widen the forgotten section of I-75, as we refer to it. It is a section that serves our State university and our international airport, to say nothing of the daily traffic of commuters and visitors.

The current level of project funding contained in this act is very helpful and we are grateful, but it does not allow for the full solution to our congestion problem.

It is for this reason that I respectfully ask the chairman that this issue be revisited during the conference committee for this legislation.

Mr. ISTOOK. Mr. Chairman, I appreciate the gentleman's comments and his support for his State and its needs, but financial resources, as the gentleman knows, are indeed tight.

The committee, hopefully, may consider additional appropriations for this project in the conference committee should additional funds be made available to us at this time because I know of the great growth in his State and the significance of this project. I appreciate the gentleman bringing this to my attention and will continue to work with him on it.

Mr. GOSS. Mr. Chairman, if the gentleman will continue to yield, I would like to thank him for that, for the opportunity to speak today and for the extraordinary good work he is doing to get this bill moving.

Mr. ISTOOK. I thank the gentleman from Florida.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding time, and I commend him for producing what I think is a fair and balanced bill.

I know every area of the Nation is experiencing significant problems with its transportation needs and that we would all like to see more funds for transportation purposes. Wrestling with the realities that we have with this recession and the war on terror, I think the chairman needs to be very seriously commended.

I want to particularly single out and thank him for including some funding for the Pineda Extension. This project is very, very important for the proper evacuation in the event of hurricanes for many of our coastal communities in the congressional district that I represent.

As we all can remember, Hurricane Floyd when it threatened the coast of Florida, the east coast of Florida, precipitated one of the largest, if not the largest, human evacuations in history where literally millions of people had to migrate off the coast of Florida and move inland. And one of the things that was recognized in that challenge was that the State did not have enough east-west access corridors.

This important addition to the bill will help us in the State of Florida address that need in a very, very critical area. I again want to thank the chairman.

Mr. ISTOOK. Mr. Chairman, I would inquire how much time remains on either side.

The CHAIRMAN. The gentleman from Oklahoma has 9 minutes remaining, and the gentleman from Massachusetts has 24½ minutes remaining.

Mr. ISTOOK. Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), who is a member of the subcommittee.

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from Oklahoma

for his chairmanship in having gone through our budget for the first time, as well as our ranking member, the gentleman from Massachusetts (Mr. OLVER), for his first time.

I do believe that we have a balanced budget before us. It is a good budget with some modification as we go through the amendments today.

I first want to bring to the Members' attention the earned income tax credit which in this bill allows \$100 million for 45,000 people to be looked at to see if they are in compliance in order to receive the EITC.

We believe, and we will be offering an amendment later today to reduce that to 25,000 people and to use 50 million of those tax dollars to look at corporations and other high-wagers to see if they are in compliance.

The earned income tax credit assists moderate and low-income families. It provides for them revenues and monies they need for college educations and other things that this budget does not apply. So we hope that that \$50 million will be adequate for the pilot program, and we will hear more on that as we go on throughout the day.

Another is the Buy American provision that I have offered in this bill. In my home State of Michigan over 400,000 people are out of work. Many of the manufacturing jobs have gone offshore. I am told now that many of the service jobs are going offshore and we have to do something about that. This budget can do that and it can do better. We need the Buy American language, and I hope that we can retain it in this budget.

Lastly, I think it is very important that we talk about Amtrak and save its funding. Amtrak does a wonderful service in our country, the eastern corridor, and across this country. I do not personally have the Amtrak service I want in my district. I would like to see it expanded. The number here for Amtrak is sorely underfunded. With those provisions as we address our amendments, we hope that we can make it a better bill.

Mr. OLVER. Mr. Chairman, I yield 10 seconds to the gentleman from Wisconsin (Mr. OBEY).

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Wisconsin for that purpose?

Mr. OLVER. I do.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 305, answered "present" 1, not voting 41, as follows:

[Roll No. 468]

AYES—87

Alexander	Grijalva	Oberstar
Andrews	Hastings (FL)	Obey
Baca	Holt	Olver
Baird	Hoohey (OR)	Pallone
Baldwin	Hoyer	Pelosi
Ballance	Jackson (IL)	Pomeroy
Becerra	Jefferson	Rothman
Bell	Johnson, E. B.	Ryan (OH)
Berry	Jones (OH)	Sabo
Bishop (GA)	Kaptur	Sanchez, Linda
Bishop (NY)	Kennedy (RI)	T.
Brown (OH)	Kilpatrick	Sanders
Brown, Corrine	Lampson	Sandlin
Capuano	Langevin	Schakowsky
Carson (IN)	Larsen (WA)	Scott (GA)
Carson (OK)	Larson (CT)	Snyder
Clyburn	Lee	Stenholm
Conyers	Lewis (GA)	Stupak
Cooper	Markey	Tanner
Crowley	McDermott	Thompson (MS)
Cummings	McGovern	Tierney
DeLauro	McNulty	Towns
Doggett	Meehan	Udall (CO)
Emanuel	Millender-	Van Hollen
Evans	McDonald	Velazquez
Farr	Miller (NC)	Visclosky
Filner	Miller, George	Waters
Frank (MA)	Moran (VA)	Watson
Frost	Napolitano	Watt
Gonzalez	Neal (MA)	

NOES—305

Abercrombie	Culberson	Hobson
Ackerman	Cunningham	Hoefel
Aderholt	Davis (AL)	Hoekstra
Akin	Davis (CA)	Holden
Allen	Davis (FL)	Hostettler
Bachus	Davis (IL)	Houghton
Baker	Davis (TN)	Hulshof
Ballenger	Davis, Tom	Hunter
Barrett (SC)	Deal (GA)	Hyde
Bartlett (MD)	DeLay	Inslee
Barton (TX)	Deutsch	Isakson
Bass	Diaz-Balart, L.	Israel
Beauprez	Diaz-Balart, M.	Issa
Bereuter	Dicks	Istook
Berkley	Dingell	Jackson-Lee
Berman	Dreier	(TX)
Biggert	Duncan	Jenkins
Bilirakis	Dunn	Johnson (CT)
Bishop (UT)	Edwards	Johnson (IL)
Blackburn	Ehlers	Johnson, Sam
Blumenauer	Emerson	Jones (NC)
Blunt	Engel	Kanjorski
Boehlert	Eshoo	Keller
Boehner	Etheridge	Kelly
Bonilla	Everett	Kennedy (MN)
Bonner	Feeney	Kildee
Bono	Ferguson	Kind
Boozman	Flake	King (IA)
Boswell	Fletcher	King (NY)
Boucher	Foley	Kingston
Boyd	Forbes	Kirk
Bradley (NH)	Ford	Kline
Brady (PA)	Fossella	Knollenberg
Brady (TX)	Franks (AZ)	Kolbe
Brown (SC)	Frelinghuysen	LaHood
Brown-Waite,	Gallely	Lantos
Ginny	Garrett (NJ)	Latham
Burgess	Gerlach	LaTourette
Burns	Gibbons	Leach
Burr	Gilchrest	Levin
Burton (IN)	Gillmor	Lewis (CA)
Buyer	Gingrey	Lewis (KY)
Calvert	Goode	Linder
Camp	Goodlatte	Lipinski
Cannon	Gordon	LoBiondo
Cantor	Goss	Lofgren
Capito	Granger	Lowe
Capps	Green (TX)	Lucas (KY)
Cardin	Green (WI)	Lucas (OK)
Cardoza	Greenwood	Lynch
Carter	Gutierrez	Maloney
Case	Gutknecht	Manzullo
Castle	Hall	Marshall
Chabot	Harman	Matheson
Chocoma	Harris	McCarthy (MO)
Coble	Hart	McCarthy (NY)
Cole	Hastings (WA)	McCollum
Collins	Hayes	McCrery
Costello	Hayworth	McHugh
Cox	Hefley	McInnis
Cramer	Hensarling	McIntyre
Crane	Herger	McKeon
Crenshaw	Hill	Meek (FL)
Cubin	Hinche	Meeks (NY)

Menendez	Putnam	Solis
Mica	Quinn	Souder
Michaud	Rahall	Spratt
Miller (FL)	Ramstad	Stearns
Miller (MI)	Rehberg	Strickland
Miller, Gary	Renzi	Sullivan
Mollohan	Reyes	Sweeney
Moore	Reynolds	Tancredo
Moran (KS)	Rogers (AL)	Tauscher
Murphy	Rogers (KY)	Tauzin
Murtha	Rogers (MI)	Taylor (MS)
Musgrave	Rohrabacher	Taylor (NC)
Myrick	Ros-Lehtinen	Terry
Nethercutt	Ross	Thomas
Neugebauer	Royce	Thompson (CA)
Ney	Ruppersberger	Tiahrt
Northup	Rush	Tiberi
Norwood	Ryan (WI)	Toomey
Nunes	Sanchez, Loretta	Turner (OH)
Nussle	Saxton	Udall (NM)
Ortiz	Schiff	Upton
Osborne	Schrock	Vitter
Ose	Scott (VA)	Walden (OR)
Otter	Sensenbrenner	Walsh
Pascrell	Serrano	Wamp
Pastor	Sessions	Weiner
Paul	Shadegg	Weldon (FL)
Pearce	Shaw	Weller
Pence	Shays	Wexler
Peterson (MN)	Sherman	Whitfield
Peterson (PA)	Sherwood	Wicker
Petri	Shimkus	Wilson (NM)
Pitts	Shuster	Wilson (SC)
Platts	Simmons	Wolf
Pombo	Simpson	Wu
Porter	Skelton	Wynn
Portman	Smith (MI)	Young (FL)
Price (NC)	Smith (NJ)	
Pryce (OH)	Smith (TX)	

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—41

Clay	Janklow	Regula
Davis, Jo Ann	John	Rodriguez
DeGette	Kleccka	Roybal-Allard
Delahunt	Kucinich	Ryun (KS)
DeMint	Majette	Slaughter
Dooley (CA)	Matsui	Smith (WA)
Doolittle	McCotter	Stark
Doyle	Nadler	Thornberry
English	Owens	Turner (TX)
Fattah	Oxley	Waxman
Gephardt	Payne	Weldon (PA)
Graves	Pickering	Woolsey
Hinojosa	Radanovich	Young (AK)
Honda	Rangel	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are informed that there are 2 minutes remaining on this vote.

□ 1341

Mr. TAUZIN changed his vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN), who is a member of the subcommittee.

Mr. ROTHMAN. Mr. Chairman, I thank my distinguished gentleman from Massachusetts (Mr. OLVER) the very kind and distinguished ranking member, for yielding me this time. I also want to thank my chairman for all of his cooperation and friendship and going out of his way to help me and the people of my district on a number of different issues, along with, of course, my ranking member, the staffs of my chairman and the ranking member. By the way, I have so many things to talk about, but I am only using 2 minutes in the interest of the group; so I will cut to the chase.

There was an issue involved in a one-size-fits-all FAA regulation that would

have had a devastating effect on the people of northern New Jersey. The Port Authority of New York and New Jersey, a bipartisan agency, the bipartisan elected officials in New Jersey and all the people of my region were adamant that Washington should not force a solution that was wrong for us on them, and the chairman and his staff bent over backwards along with the ranking member to accommodate a reasonable commonsense solution to that problem, and I am extremely grateful to the chairman and the ranking member for accommodating the interests of the hundreds of thousands of people who would otherwise have been negatively affected.

I intend to support this bill. It is not perfect. I hope Amtrak gets plussed-up in the conference, but by and large this is a bill that we can all be proud of, and I thank my chairman again and my ranking member for all their kindness and courtesies.

□ 1345

Mr. OLVER. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip and a member of the subcommittee.

Mr. HOYER. Mr. Chairman, Mr. Chairman of the subcommittee and the gentleman from Massachusetts (Mr. OLVER), first of all let me congratulate the gentleman from Massachusetts (Mr. OLVER) on his taking the responsibilities of ranking member. He is doing an outstanding job in that capacity.

Mr. Chairman, I want to make a few general comments. I will have some possible amendments, which may be withdrawn, some of which may be pressed. But I want to thank the committee and I want to thank the chairman for pursuing what the Republican majority budget provided for with respect to pay parity. I think that was appropriate and consistent with our past policies. We have a lot of folks who are on the front lines who we will recognize.

However, I want to raise some concerns. As the chairman knows, the Reagan administration, the Bush administration, the Clinton administration, and now the present Bush administration, as I understand it, is for the project, although has not funded it. We have been pursuing the creation of a campus for the Food and Drug Administration which, of course, now has even more challenges dealing with the integrity of the food and drug supply in light of terrorist threats. But we have been trying to construct this campus, which will save the Federal Government money.

The reason it will save the Federal Government money is now the FDA is located around the Washington metropolitan area in 19 different leased facilities, and, of course, they are for the most part very old facilities and they are expensive facilities. GSA tells us it would be cheaper to build at the site that has been agreed to, not in my dis-

trict, but in the State of Maryland. We have done some of those. There is currently in the plan a project for \$48 million. I have reason to believe the Senate might include that.

Mr. Chairman, I am very hopeful that we will be able to include that in the conference report. I am not going to offer an amendment on that in the committee, but I really do believe that it is a very cost-conscious effort to continue this project to completion, because, as I say, it is not a partisan difference. As a matter of fact, the proposal was made, as the gentleman knows, by the Reagan administration and a Republican director of the FDA. But it is one that I think is very important.

In addition, I am concerned, Mr. Chairman, that we have not included in this legislation not only some of the money that has been talked about in terms of Amtrak and transportation, but in particular the election reform legislation that we passed. It was one of the few pieces of legislation that we passed in an overwhelmingly bipartisan fashion. The Speaker was very proud of that. On our side of the aisle we were proud of it. The President in signing the bill indicated it was a bipartisan success.

We pledged to fund that effort, and we imposed deadlines on the States to accomplish certain things that were required to ensure access and accuracy of voting in elections. The deadline for the accomplishment of those objectives is 2006.

The gentleman from Florida (Chairman YOUNG) has been extraordinarily helpful and was a critical player in our initial funding. As the chairman knows, the bill would authorize \$1.5 billion additional. We are \$1 billion behind. There is \$500 million in this bill. I appreciate the chairman's including that. I know he has been supportive of this effort.

But I will be working with the administration again. There is going to be an amendment offered by the gentleman from Florida (Mr. HASTINGS). I will speak on that. I am not sure that the gentleman from Florida (Mr. HASTINGS) will press that. The problem, of course, is where you take money from to get money for this objective. I think the chairman has a very real problem in that regard.

I am pressing the administration, and I have talked to the gentleman from Florida (Chairman YOUNG) about this, to seek emergency funds from the administration so that this project can be accomplished by the 2006 deadline. I would hope we could work on that.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the full committee, for the purpose of a colloquy with the gentleman from New York (Mr. SWEENEY).

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman very much for yielding me time.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, I thank the chairman for yielding, and I want to thank him for participating in this colloquy with me today to address a significant issue which was raised during the committee consideration of this bill.

As the gentleman knows, when the committee marked up the Treasury-Transportation bill in July, we directed the General Services Administration to complete its review of MCI WorldCom's fitness to serve as a Federal contractor. This directive resulted from revelations that the company had overstated its profits by \$11 billion and lacked adequate internal controls.

Mr. Chairman, as you are aware, the GSA announced the proposed debarment of MCI WorldCom on July 31. Although the process took longer than hoped and the committee was forced to take action to get GSA to do its job, the GSA has now prohibited MCI WorldCom from receiving any new Federal contracts. GSA has reached the only responsible conclusion possible.

Mr. Chairman, it is my strong belief that the Federal Government must condemn corporate malfeasance and provide strict oversight of Federal contracting. GSA's proposed action to debar MCI from Federal contracting is a step in the right direction, and I applaud their efforts.

With the leadership of the gentleman from Florida (Chairman YOUNG), this committee has ensured GSA performs its due diligence and has protected the American taxpayers from a fraudulent company. I would like to personally thank the gentleman for his support and assistance.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I want to thank the gentleman from New York (Mr. SWEENEY) for bringing this important matter to the committee's attention. As overseers of GSA's budget, I believe the committee acted in a responsible way and responded to this issue appropriately.

Mr. SWEENEY. Mr. Chairman, if the gentleman will yield further, I thank the gentleman. As this process continues, GSA must remain responsive and should provide regular detailed reports to the committee on the status of the case.

Would the gentleman agree to work with me during the conference to clarify the report language, if necessary, so that the committee can continue its oversight of GSA actions on the MCI WorldCom debarment proceedings and further Federal contracting actions?

Mr. YOUNG of Florida. Mr. Chairman, I look forward to working with the gentleman from New York (Mr. SWEENEY) as we move towards a final resolution of this issue, and will certainly work to clarify the report language during conference as events dictate.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman. I will continue to monitor the GSA's actions in this area as the Treasury-Transportation measure moves to conference. If there is any backsliding by the agency, I am confident the committee will be able to respond.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I hope the chairman recognizes the authorizers' role in overseeing GSA in this and the appropriators' role in this and will keep us in the loop, and will not try to authorize without consultation with the authorizers.

Am I correct on this, or am I being rolled on this?

Mr. YOUNG of Florida. Mr. Chairman, I did not really hear the question.

Mr. TOM DAVIS of Virginia. Mr. Chairman, my question is although the Committee on Appropriations has appropriations oversight, I would hope we would work with the authorizing committee on GSA, which is the Committee on Government Reform, which I chair, as we work towards language on this.

We have spent a lot of time on these issues as well. The language of the gentleman from New York was worked out and shared with us. I hope this is not an attempt on the part of the appropriators to once again override authorizing committees and try to accomplish what they could not accomplish on the floor.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I would say to my friend, the gentleman from Virginia (Mr. TOM DAVIS), that he is absolutely right. It is essential that the Committee on Appropriations and the authorizing committees work together as we deal with issues of this type. The gentleman is exactly right.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak on this debate.

Mr. Chairman, I find a certain amount of irony as we return to unnecessary controversy on one of the most important bills that this Congress will consider this year. The chairman of the subcommittee is concerned about congestion around the Nation, and well he should be. Yet the bill would cut back on people's alternatives to reduce congestion by further squeezing Amtrak and gutting the popular important bipartisan support for the enhancements program.

People need choices. I am going to speak later in the debate on the enhancements program in support of the amendment offered by the gentleman from Massachusetts (Mr. OLVER) and the gentleman from Wisconsin (Mr. PETRI), a bipartisan amendment to try to fix it. Unfortunately, we are not

going to be able to talk about the problems with Amtrak which are going to be ruled out of order when offered.

I find it sad. There are some who dispute the notion that we should be the only industrialized Nation in the world without a backbone of a national rail transportation system. We have lavish subsidies for the airline industry, which in its history of passenger transport has produced a net profit of zero, zero; yet somehow, providing a little support for Amtrak is deemed theologically unacceptable.

Well, Mr. Chairman, much of the blame for the problems of Amtrak is that this Congress has refused to appropriate the money that Congress itself has authorized. Yet Congress has interfered with the management decisions of Amtrak, and, much like the mythical educational performance in Houston, where they sort of in schools "will" children to stay in school so they are not dropped out, that they somehow are all going on to college, people have tried to will Amtrak to a different type of performance than they are willing to pay for.

Luckily, there is broad bipartisan support in this country and in this Congress to overrule this ill-conceived cutback in Amtrak. I am convinced that ultimately through the process we will succeed. I hope we can fix what we can on the floor to preserve the critical enhancements program, and fight for a bill that the country deserves to preserve the potential for a comprehensive rail transportation system.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Chairman, once again the Committee on Appropriations, in the light of day, has voted to prohibit corporate expatriates from enjoying more than \$1 billion a year in Federal Government contracts, and, once again, Mr. Chairman, in the dark of night, the Committee on Rules, has cobbled together a rule which rewards those corporations who run off to Bermuda to avoid paying United States income taxes.

The American taxpayer has said tax fairness and tax equity matter, but apparently not in this Congress. Corporate expatriates will drain \$5 billion from our Federal Treasury, and yet, in return, corporate expatriates will win, time and again, lucrative Federal contracts to build our nuclear facilities, guard our government buildings, provide health care to our veterans, landscape the national parks, and even money appropriated in this bill today, believe it or not, a multimillion-dollar contract to help the IRS collect taxes.

We stay here and we pay our taxes while these corporations run off to Bermuda to avoid them. They then turn around and get paid to help collect money from us. If it was not September, most of us would come to believe based upon this issue it was April Fool's Day.

Try, as an individual taxpayer announcing that your address is in Bermuda and avoiding your share of personal income taxes, to find what the result will be. I am astounded that after months and months of discussing this issue, when we were promised a vote on the floor, we are no closer to doing that now than we were before. Instead, the Committee on Appropriations does what they are supposed to do, and the Committee on Rules decides not to let the issue come to the floor.

If they are confident in their position, let the matter come to the floor for an up-or-down vote. I guarantee you if it came to the floor, there would be 300 votes to affirm what I have said in the last couple of minutes.

□ 1400

I hope that during this debate there will be others who continue to bring this matter before us, and I hope that all of you on the other side will stop protecting many of these financial traitors.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I certainly appreciate the passion of the gentleman who just spoke and everyone else, but, of course, we have followed the normal protocol. This is what is considered in this House an open rule to give people the opportunity to bring up issues. But as the Chairman and everyone else in this body knows, just because a bill is on the floor, it does not mean that every topic can be offered on that bill. We have to break our work into pieces. And some of the issues the gentleman is talking about should properly be raised on other pieces of legislation, not this one.

The Committee on Rules and its leadership has provided a very good, very solid, open rule that provides Members the opportunity to make fair comments and make fair amendments upon the proper topics of this bill. And I would certainly hope that the gentleman would work with the committees of proper jurisdiction for the changes that he wants to make. But I do very much appreciate, Mr. Chairman, the efforts of the Committee on Rules in helping us to make the progress and helping to make sure that we have a controlled and proper debate on the issues that are the proper subject of this bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair appreciates the gentleman's very thoughtful statement.

Mr. OLVER. Mr. Chairman, I have no additional speakers on general debate, and I yield back the balance my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just by way of brief closing, I indicated that I wanted to express appreciation for the members of our staff that have worked so diligently to bring this legislation to the

floor: the chief clerk of our subcommittee, Rich Efford, and the other clerks on the committee, Cheryl Tucker, Kurt Dodd, Leigha Shaw, Walter Hearne, Ben Nicholson, and from my office Kurt Conrad.

I do not want their efforts to go unnoted and unappreciated, and I wanted to make sure that they appear in the RECORD next to the work product that they have worked so diligently on. We could not accomplish these things without them.

This is a good bill. I ask every Member of the House to support it.

Mr. WELLER. Mr. Chairman, I rise today in strong opposition to the language weakening the United States' Cuban embargo policy by allowing travel to Cuba and urge my colleagues also to oppose allowing travel to Cuba.

The regime of Fidel Castro continues to prove to have no respect for dissidents, for human rights, and cannot be trusted. This past March, Castro carried out a sweeping crackdown on dissident leaders, rounding up 75 and providing harsh prison sentences after charades of trials. Further, Castro resumed executions with the execution of three men by official firing squad. For those dissidents merely attempting to exercise basic freedoms, punishments include forced exile, interrogations, house arrest and searches, intimidation and aggression, telephone bugging, eviction and loss of employment.

The fact remains: Cuba under the dictatorship of Fidel Castro is a terrorist state, ruled by fear, and grossly violating the human rights of dissidents. The Cuban regime remains on the Department of State list of seven terrorist-sponsoring nations. United States policy should never bend against the tide of oppression in Cuba or any country—we must maintain a firm line. Our victory in the Cold War was due to holding firmly to our core democratic values and principles and being strong, not bending to communist ideology, torture, and oppression.

The House of Representatives should not vote to reward a terrorist state with unrestricted travel—providing resources needed to sustain the Castro regime. I urge my colleagues to vote no on this amendment to weaken the embargo against Cuba by allowing travel to Cuba.

Mr. CRAMER. Mr. Chairman, as we debate the FY04 Transportation, Treasury Appropriations bill, I rise to express my concern for recent actions undertaken by the Internal Revenue Service.

It is a fundamental tenet of fair tax administration that taxpayers can rely on guidance and rules issued by the Internal Revenue Service. Unfortunately, in its administration of the tax credit for coal-based synthetic fuels, the IRS has breached this fundamental rule.

Congress enacted section 29 of the Internal Revenue Code to provide a tax credit for the production of synthetic fuel. This tax credit was created to encourage domestic energy production and it works. In my home state, and coal producing states throughout the Southeast, the credit has increased domestic coal production and kept open thin seam mines. The coal-based synthetic fuels increases combustion efficiency and reduce fuel costs for electricity consumers throughout the United States.

Since 1995, the IRS has issued revenue rulings, revenue procedures and over 80 private letter rulings that detail the processes that qualify for producing synthetic fuel and the tests taxpayers should utilize to demonstrate that the synthetic fuel they produced qualify for the tax credit.

Taxpayers and recognized scientific experts met repeatedly with the IRS as it developed the revenue rulings, revenue procedures and private letter rulings. Taxpayers explained the processes they intended to use to produce synthetic fuel and the tests that they would use to demonstrate that synthetic fuel qualified for the tax credit. After full opportunity to review the processes and the tests, the IRS issued private letter rulings telling taxpayers that these processes and these tests qualified.

Since 1995, taxpayers have been investing in synthetic fuel production facilities designed to meet the tests that the IRS agreed demonstrated that the synthetic fuel produced qualified for the tax credit. In June of this year, the IRS decided that it was not sure that the tests it had approved over the years were acceptable. The IRS told taxpayers that it questioned the test results it had previously approved because a single scientist the IRS hired attempted to perform the tests using different methodologies. However, the IRS refuses to tell taxpayers what test it is using and how it is different from the tests it has approved in 80 private letter rulings.

In short, the IRS changed the test it told taxpayers to use and refuses to tell taxpayers how it changed the test. Taxpayers no longer know whether their synthetic fuel, including fuels produced in prior years, qualifies for the tax credit. As a result, hundreds of millions of dollars of investments are at risk. Many public and private companies in all sectors of the economy are facing huge potential economic losses. Some companies are facing bankruptcy because the IRS is changing the rules after they made their investments.

Taxpayers worked in good faith with the IRS to design tests that demonstrated that their facilities produced a qualified synthetic fuel. Taxpayers invested in reliance on the rulings the IRS provided approving those tests. The IRS should publish an announcement that it will honor the rules under which taxpayers invested in synthetic fuels facilities and that it will follow the rules the IRS published in Revenue Procedures 2001-30 and 2001-34. The IRS must abide by the rules it laid down for taxpayers.

Mr. CUMMINGS. Mr. Chairman, today I rise in strong support of the amendment offered by my colleague Chairman QUINN. From its inception, Amtrak was expected to pursue conflicting goals. It was to provide a national rail passenger service while simultaneously operating as a commercial enterprise. Although, at this point I think that it is a foregone conclusion that no one expects Amtrak will be profitable.

As mandated in the Amtrak Reform and Accountability Act of 1997, which required Amtrak to achieve self-sufficiency by December 2002, the rail system has received reduced appropriations funding each year. However, due to inflation and a poor economy, operating costs continue to rise. Many important infrastructure and equipment improvements have been delayed or postponed due to the lack of funding. Rising operating costs—declining revenue—this is a formula for failure.

We are now faced with the challenge of salvaging a vital link in our national transportation system. To quote the Secretary of Transportation Norm Mineta: "Intercity passenger rail service is an important part of the nation's transportation system." Some critics of Amtrak insist that reforming Amtrak will save it. I disagree. Until necessary improvements are made on the infrastructure and equipment, the system cannot function efficiently.

We need to provide Amtrak with adequate funding.

In some areas the rail infrastructure is over 100 years old. Repairing existing infrastructure to good condition and upgrading equipment will ultimately lead to reduced operational costs. But, as with most endeavors of this magnitude we cannot expect overnight results. The process will take time.

Looking to the states that rely on rail service to stabilize Amtrak is not the answer. My state of Maryland has been a strong supporter of Amtrak as it is a critical part of the overall transportation solution—especially in the congested Northeast corridor. The MARC trains in Baltimore are operated under a contract with Amtrak. Many Maryland commuters depend on MARC service. But, we are not asking for a free ride. Since 1990, Maryland has invested over \$124 million in state and federal funds to improve Amtrak owned facilities. I'm sure that Maryland does not stand alone when we say that we cannot afford to pay for the substantial needs of Amtrak.

Maintaining a sound, efficient rail system is a national concern. We are ever vigilant in our efforts to get people to leave their cars at home and use mass transit in order to each congestion and lower emissions. Since 1971, Amtrak has sought to balance competing public service and commercial objectives without the benefit of adequate resources to fully deliver either. The government must provide the necessary funding and oversight that is essential for a national passenger rail system.

We've come a long way in transportation technology since Amtrak began its service in 1971. However, because of the condition of current rail infrastructure and stock this progress is far from evident. I think that it is time for Congress to "step up to the plate." We need and deserve a national passenger rail system.

We must provide adequate funding for Amtrak.

Mr. GREEN of Wisconsin. Mr. Chairman, I rise today in support of H.R. 2989, the Transportation-Treasury-Independent Agencies Appropriations Act for FY 2004.

First, I would like to thank the Chairman and the Ranking Member for including \$20 million for the Terminal Radar Approach Control (TRACON) facility in Houston, Texas.

Houston's four million residents are served by Bush Intercontinental Airport, Houston Hobby Airport, and Ellington Field. Together they form one of North America's largest public airport systems and position Houston as the international gateway to the south central United States.

Unfortunately, the current TRACON facility was constructed in the late 1960's and is inadequate to meet the needs at these three airports.

The facility is in a low lying area which floods often, disrupting air traffic, and cannot be expanded to provide the airspace capacity needed to achieve the full benefits of the addi-

tional runway capacity expected to be online at Bush Intercontinental in spring 2004.

Expanded construction of the new TRACON is necessary to realize the 36 percent capacity increase identified in the FAA Operational Evolution Plan (OEP). The current state of the Houston TRACON does not fit its place as a major hub in a modern air traffic control system.

The \$20 million included in this legislation is an important first step that will help create a new facility in a timely manner. This funding will help resolve an urgent air traffic control facility problem for the greater Houston, Texas area.

I am also happy to see that, on top of the East End Rail Task Force study on rail and mobility conditions completed in February 2003 and the Harris County/Port of Houston's \$600,000 ongoing county-wide study, there is \$1 million in the House Transportation Appropriations bill for a Freight Rail Transportation Corridor and Urban Mobility Program for Harris County.

I worked with my Texas colleague TOM DELAY on this issue, and am glad that the appropriators saw fit to include this important project.

The goal is to expand the work of the East End study to the entire rail network of Harris County in order to initiate a comprehensive approach to rail system rationalization, addressing the regional issues associated with train routing, rail traffic levels, yard operations, and through-traffic versus local service to quantify the safety and mobility impact they have on residents. Researchers on this project will work with a public-private partnership to oversee the direction and scope of work. The partnership will include public officials, the Port of Houston, residents, and representatives of Union Pacific and Burlington Northern Santa Fe Railroads.

A consensus approach is needed because a major freight rail and mobility plan will take significant amounts of federal, local, and private sources of investment to complete. Such freight rail reorganization plans have been successfully done for LA-Long Beach, CA, Reno, NV, and one was recently announced for Chicago, IL.

Again, Mr. Chairman, these are important projects for my area, and I am glad to see that they were included in this important bill. I'd like to thank the Chairman and the Ranking Member of this committee for their hard work.

Mr. FRELINGHUYSEN. Mr. Chairman, today, I rise in strong support of H.R. 2989, Chairman ISTOOK's Fiscal Year 2004 Transportation and Treasury Appropriations bill. Chairman ISTOOK has worked within the framework he was provided to put forward a fair and balanced approach to fund the Departments of Transportation and Treasury and other Independent Agencies.

The Chairman's bill makes a strong commitment to our nation's highway improvements by providing \$33.8 billion, which is \$6.1 billion above last year's level.

Equally as important to New Jersey is Federal support for transit operations. As such, I commend the Chairman for including \$7.23 billion for transit program spending, which is \$52 million above last year's level. I am especially thankful that this bill provides full funding for New Jersey's top two transit priorities, the Newark Elizabeth Rail Link and the Hudson Bergen Light Rail projects.

Notably, every year in New Jersey, nearly 4 million passengers ride Amtrak trains. Each day, 109 Amtrak trains operate in New Jersey. In addition, Amtrak provides all of the maintenance and locomotive power for the 250 daily commuter trains that are operated by New Jersey Transit for hundreds of thousands of daily rail commuters in my home state, which is so densely populated and depends so much on trains and buses to minimize traffic congestion and air pollution.

By sharing the same tracks and tunnels within the Northeast Corridor with Amtrak, New Jersey has a strong interest in seeing a stable and continuing Amtrak operation, with increased funding! That said, the Chairman and the Congress have every right to demand necessary reforms of Amtrak management, strict accountability, and reasonable labor agreements.

To be clear, I feel it is absolutely essential that we do more to support Amtrak while making sure that it follows the committee's direction to carry out much needed reforms.

I want to again thank the Chairman for increasing Amtrak's funding from its original mark.

In the transportation world, the issue of safety and its importance can never be over emphasized. Thus, the more than \$77 million included for the National Safety Transportation Board, is well directed dollars.

On the Treasury side, this bill takes important steps in our nation's continued war on terrorism. H.R. 2989 includes critical dollars (\$57.5 million) for the Financial Crimes Enforcement Network. Included in this funding are dollars for the establishment of the Office of Terrorist Financing and Financial Crimes, which will help root out the financial infrastructures that support terrorist organizations and their murderous ways.

H.R. 2989 also includes more than \$228 million for the Financial Management Service, which is responsible for the management of Federal finances.

For all these reasons and more, I support the Chairman ISTOOK's Fiscal Year 2004 Transportation and Treasury Appropriations bill, and urge my colleagues to do the same.

Mr. KING. Mr. Chairman, I would have amended H.R. 2989, the Transportation, Treasury and Independent Agencies Appropriations Act of 2004, to address concerns about an unfunded mandate and ensure integrity in our voting system. However, this amendment was not in order. My amendment would have given States a waiver from compliance with the Help America Vote Act until it is fully funded at the authorized level. States should not have to comply with an unfunded mandate in 2006. Many of our states are facing serious budget crises, and worry that if they are not first in line to receive the federal matching funds the money will run out. If this happens, the local taxpayers will be left holding the bill for compliance with the unfunded HAVA mandate in 2006. My amendment would not require states to comply with the HAVA mandate until it is fully funded at the level authorized.

The Help America Vote Act of 2002 requires, among other things, that each precinct have at least one Direct Recording Electronic voting system, or DRE. However, currently these machines do not have a permanent, auditable and individually verifiable trail. Questions remain about whether electronic voting

system software could be hacked into and election results tampered with. Until DRE machines have a verifiable audit trail, we should not spend federal tax dollars on unreliable machines. The Help America Vote Act was motivated by electoral integrity—we must insure that the DRE machines meet that goal before spending millions of dollars on them and requiring states to use them in every precinct. At a cost of \$4,000 to 5,000 per DRE, we can't afford to be wrong.

In fact, at a cost of thousands of dollars per machine, many rural precincts will have only one voting machine available for voters, and it will have to be a DRE according to the requirements of the Help America Vote Act. If sparsely populated rural voters are forced to vote on DRE machines that are susceptible to fraud, we risk mass disenfranchisement of rural voters in small precincts. This disenfranchisement will extend to disabled voters who use a DRE to vote, which was hardly the intent behind the voting reform legislation.

Ensuring electoral integrity and preventing vote fraud is a high priority for me. Although I was not able to offer my amendment today, I intend to continue to work towards solutions to these problems.

Mr. ISTOOK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will read.

The Clerk read as follows:

H.R. 2989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Treasury and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION OFFICE OF THE SECRETARY SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$93,577,000, of which not to exceed \$2,212,000 shall be available for the immediate Office of the Secretary; not to exceed \$841,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$15,560,000 shall be available for the Office of the General Counsel; not to exceed \$12,717,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$8,630,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,518,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$28,882,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$1,982,000 shall be available for the Office of Public Affairs; not to exceed \$1,447,000 shall be available for the Office of the Executive Secretariat; not to exceed \$730,000 shall be available for the

Board of Contract Appeals; not to exceed \$1,268,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$16,565,000 shall be available for the Office of the Chief Information Officer; and not to exceed \$225,000 shall be available for the Office of Intelligence and Security: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$8,569,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$8,336,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$116,715,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,000,000, to remain available until September 30, 2005: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

NEW HEADQUARTERS BUILDING

For necessary expenses of the Department of Transportation's new headquarters building and related services, \$45,000,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104-264, \$7,532,000,000, of which \$6,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$6,076,724,000 shall be available for air traffic services program activities; not to exceed \$870,505,000 shall be available for aviation regulation and certification program activities; not to exceed \$218,481,000 shall be available for research and acquisition program activities; not to exceed \$11,776,000 shall be available for commercial space transportation program activities; not to exceed \$49,783,000 shall be available for financial services program activities; not to exceed \$75,367,000 shall be available for human resources program activities; not to exceed \$87,749,000 shall be available for regional coordination program activities; not to exceed \$140,429,000 shall be available for staff offices; and not to exceed \$29,681,000 shall be available for information services: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$7,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That of the amount appropriated under this heading, not to exceed \$50,000 may be transferred to the Aircraft Loan Purchase Guarantee Program:

Provided further, That not later than March 1, 2004, the Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall issue final regulations, pursuant to 5 U.S.C. 8335, establishing an exemption process allowing individual air traffic controllers to delay mandatory retirement until the employee reaches no later than 61 years of age: *Provided further*, That of the funds provided under this heading, \$4,000,000 is available only for recruitment, personnel compensation and benefits, and related costs to raise the level of operational air traffic control supervisors to the level of 1,726: *Provided further*, That none of the funds in this Act may be obligated or expended to execute or continue to implement a memorandum of understanding or memorandum of agreement (or any revisions thereto) with representatives of any FAA bargaining unit unless such document is filed in a central registry and catalogued in an automated, searchable database under the executive direction of appropriate management representatives at FAA headquarters: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a government-issued credit card.

PAYMENTS TO AIR CARRIERS
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses to carry out the essential air service program pursuant to 49 U.S.C. 41742(a), \$63,000,000, to be derived from the airport and airway trust fund and to be available until expended.

FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, \$2,900,000,000, of which \$2,479,158,800 shall remain available until September 30, 2006, and of which \$420,841,200 shall remain available until September 30, 2004: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2005 through 2009, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That of the funds provided for "In-plant NAS contract support services", \$7,000,000 is only for contract audit services provided by the Defense Contract Audit Agency: *Provided further*, That of the funds provided under this

heading, \$20,000,000 is available only for the Houston Area Air Traffic System: *Provided further*, That none of the funds in this Act may be obligated or expended to implement section 106 of H.R. 2115, as passed the House of Representatives on June 12, 2003.

RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$108,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2006: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for implementation of section 203 of Public Law 106-181; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under 49 U.S.C. 44706, \$3,425,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,425,000,000 in fiscal year 2004, notwithstanding 49 U.S.C. 47117(g): *Provided further*, That notwithstanding any other provision of law, not more than \$64,904,000 of funds limited under this heading shall be obligated for administration and not less than \$20,000,000 shall be for the Small Community Air Service Development Pilot Program.

GENERAL PROVISIONS—FEDERAL AVIATION
ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 350 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2004.

SEC. 103. None of the funds made available in this Act may be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

SEC. 104. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 105. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the "Grants-in-Aid for Airports" program, for the FAA to hire additional staff or obtain the services of consultants: *Provided*, That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 106. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 107. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

FEDERAL HIGHWAY ADMINISTRATION
LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed \$359,458,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$33,385,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2004: *Provided*, That within the \$33,385,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$462,500,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204-5209 of Public Law 105-178) for fiscal year 2004: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation.

FEDERAL-AID HIGHWAYS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as

authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$34,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

(RESCISSION)

Of the unobligated balances of funds apportioned to each state under the program authorized under sections 1101(a)(1), 1101(a)(2), and 1101(a)(3), 1101(a)(4), and 1101(a)(5) of Public Law 105-178, as amended, \$137,000,000 are rescinded.

FEDERAL-AID HIGHWAYS
(HIGHWAY TRUST FUND)

For an additional amount for Federal-aid highways and highway safety construction programs pursuant to title 23, United States Code, \$400,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That amounts under this heading shall be distributed in the same manner as if made available under 23 U.S.C. 110: *Provided further*, That the amounts under this heading shall not be subject to, or computed against, any obligation limitation or contract authority set forth in this Act or any other Act: *Provided further*, That, before such allocation and distribution are made, \$133,450,000 shall be retained for surface transportation projects.

GENERAL PROVISIONS—FEDERAL HIGHWAY
ADMINISTRATION

SEC. 110. (a) For fiscal year 2004, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative take-down authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965, and \$2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, \$2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to \$639,000,000 for such fiscal year).

(c) Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943-1945).

(d) The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49,

United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 111. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall deduct a sum in such amount not to exceed 1.35 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2 of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: *Provided*, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 112. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 113. Notwithstanding any other provision of law:

(1) Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 191; 115 Stat. 871) is amended—

(A) in paragraph (42), by striking “Fulton, Mississippi,” the first time that it appears and all that follows to the end of the paragraph and inserting “Fulton, Mississippi.”; and

(B) by adding at the end the following: “(45) The United States Route 78 Corridor from Memphis, Tennessee, to Corridor X of the Appalachian development highway system near Fulton, Mississippi, and Corridor X of the Appalachian development highway system extending from near Fulton, Mississippi, to near Birmingham, Alabama.”

(2) Section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 115 Stat. 872) is amended—

(A) in subparagraph (A) by striking “(A) IN GENERAL.—The portions” and all that follows through the end of the first sentence and inserting:

“(A) IN GENERAL.—The portions of the routes referred to in subsection (c)(1), subsection (c)(3) (relating solely to the Kentucky Corridor), clauses (i), (ii), and (except with respect to Georgetown County) (iii) of subsection (c)(5)(B), subsection (c)(9), subsections (c)(18) and (c)(20), subsection (c)(36), subsection (c)(37), subsection (c)(40), subsection (c)(42), and subsection (c)(45) that are not a part of the Interstate System are designated as future parts of the Interstate System.”; and

(B) by adding the following at the end of subparagraph (B)(i): “The route referred to in subsection (c)(45) is designated as Interstate Route I-22.”.

SEC. 114. None of the funds limited or made available in this Act shall be available to carry out 23 U.S.C. 133(d)(2).

SEC. 115. Notwithstanding any other provision of law, in section 1602 of the Transportation Equity Act for the 21st Century—

(1) item number 230 is amended by striking “Monroe County transportation improvements on Long Pond Road, Pattonwood Road, and Lyell road” and inserting “Route 531/Brockport-Rochester Corridor in Monroe County, New York”.

(2) Item number 1149 is amended by striking “Traffic Mitigation Project on William Street and Losson Road in Cheektowaga” and inserting “Study and implement mitigation and diversion options for William Street and Broadway Street in Cheektowaga, I-90 Corridor Study; Interchange 53 to Interchange 49, PIN 552830 and Cheektowaga Rails to Trails, PIN 575508”.

(3) Item number 476 is amended by striking “Expand Perkins Road in Baton Rouge” and inserting “Feasibility study, design, and construction of a connector between Louisiana Highway 1026 and I-12 in Livingston Parish”.

(4) Item 4 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century, relating to construction of a bike path in Michigan, is amended by striking “between Mount Clemens and New Baltimore” and inserting “for the Macomb Orchard Trail in Macomb County”.

SEC. 116. Intelligent Transportation Systems appropriations made to the State of Wisconsin in Public Law 105-277, Public Law 106-69, and Public Law 107-87 shall not be subject to the limitations of Public Law 105-178, sec. 5208(d), 23 U.S.C. sec. 502 (Notes).

SEC. 117. Notwithstanding Public Law 105-178, sec. 5208(d), Intelligent Transportation Systems appropriations for—

(1) Wausau-Stevens Point-Wisconsin Rapids, Wisconsin, in Public Law 105-277 and Public Law 106-69 shall be available for use in the counties of Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Iron, Lincoln, Marathon, Polk, Portage, Price, Rusk, Sawyer, Taylor, Washburn, Wood, Clark, Langlade, and Oneida; and

(2) the City of Superior and Douglas County, Wisconsin, in Public Law 106-69 shall be available for use in the City of Superior and northern Wisconsin.

SEC. 118. Notwithstanding any other provision of law, for the purpose of assisting in the development, construction and financing of additional improvements to the Alameda Corridor, including construction of a truck expressway or other enhancements, the Secretary of Transportation shall modify the loan agreement entered into with the Alameda Corridor Transportation Authority pursuant to Public Law 104-208 to revise the interest rate to equal the average yield, as of the date of modification of the loan agreement, on marketable Treasury securities of similar maturity to the expected remaining average life of the loan: *Provided*, That notwithstanding any other provision of law, such modification shall be deemed to be eli-

gible under section 184 of title 23, United States Code, and shall be funded under section 188 of title 23, United States Code: *Provided further*, That the Secretary may revise the interest rate or modify other terms of the existing loan agreement to the extent that the marginal budgetary costs, if any, of such modifications do not exceed \$80,000,000 and are funded under section 188 of title 23, United States Code.

SEC. 119. (a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) METHODS OF FUNDING.—

(1) The agreement entered into under subsection (a) shall provide for funding in a manner consistent with the advance construction and debt instrument financing procedures for Federal-aid highways set forth in section 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.

(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eligible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

(LIMITATION ON ADMINISTRATIVE EXPENSES) (HIGHWAY TRUST FUND)

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed \$236,753,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106 and 31309, \$190,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$190,000,000 for “Motor Carrier Safety Grants” and “Information Systems”.

BORDER ENFORCEMENT PROGRAM

(HIGHWAY TRUST FUND)

For necessary expenses to continue the Border Enforcement Program authorized

under section 350 of the Department of Transportation and Related Agencies Appropriations Act, 2002, \$47,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended.

GENERAL PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall deduct a sum in such amount not to exceed .90 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: *Provided*, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 131. None of the funds appropriated, limited, or made available in this Act shall be used to implement or enforce any provision of the Final Rule issued on April 16, 2003 (Docket No. FMCSA-97-2350) as it applies to operators of utility service vehicles as defined in 49 CFR section 395.2.

SEC. 132. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, \$206,178,000, of which \$171,110,000 shall remain available until September 30, 2006: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, \$72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2004, are in excess of \$72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to

the National Driver Register under chapter 303 of title 49, United States Code, \$3,600,000, to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, \$225,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2004, are in excess of \$225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which \$165,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, \$20,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, and \$40,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed \$8,150,000 of the funds made available for section 402, not to exceed \$1,000,000 of the funds made available for section 405, and not to exceed \$2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed \$2,600,000 of the funds made available for section 157, and \$2,600,000 of the funds made available for section 163, shall be available to NHTSA for administering highway safety grants under chapter 1 of title 23, United States Code: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

GENERAL PROVISIONS—NATIONAL HIGHWAY
TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: *Provided*, That any state that uses funds for such public service messages shall submit to the Secretary and the House and Senate Committees on Appropriations a report describing and assessing the effectiveness of the messages: *Provided further*, That \$10,000,000 of the funds allocated for innovative seat belt projects under section 157 of title 23, United States Code, and \$12,000,000 of funds allocated under section 163 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator, to purchase advertising in broadcast media to support the national mobilizations conducted in all fifty states, aimed at increasing seat belt use and reducing impaired driving: *Provided further*, That up to \$2,000,000 of the funds allocated under section 163 of title 23, United States Code, shall be used by the Administrator to evaluate the effectiveness of alcohol-impaired driving programs that purchase advertising as provided by this section.

SEC. 141. None of the funds made available by this Act may be used for the purpose of enforcing compliance with 49 CFR section 579.24, promulgated by the National Highway

Traffic Safety Administration in accordance with section 30166(m) of title 49, United States Code, with respect to trailers rated at 26,000 pounds or less gross vehicle weight.

FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$130,922,000, of which \$11,712,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$28,225,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT
PROGRAM

(LIMITATION ON DIRECT LOANS AND LOAN
GUARANTEES)

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2004.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, \$28,250,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD
PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, \$900,000,000, to remain available until September 30, 2004, including \$400,000,000 for quarterly grants for operating expenses, \$373,000,000 for quarterly grants for capital expenses along the Northeast Corridor Mainline, and \$127,000,000 for quarterly grants for general capital improvements: *Provided*, That the Secretary of Transportation shall approve funding to cover operating losses and a long-distance train of the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis and revenue projection justifying the federal support to the Secretary's satisfaction: *Provided further*, That the Secretary of Transportation and the Amtrak Board of Directors shall ensure that, of the amount made available under this heading, sufficient sums are reserved to satisfy the contractual obligations of the National Railroad Passenger Corporation for commuter and intercity passenger rail service: *Provided further*, That within 60 days of enactment of this Act but not later than October 1, 2003, Amtrak shall transmit to the Secretary of Transportation and the House and Senate Committees on Appropriations a business plan for operating and capital improvements to be funded in fiscal year 2004 under section 24104(a) of title 49, United States Code: *Provided further*, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further*, That not later than October 1, 2003 and each month thereafter, Amtrak

shall submit to the Secretary of Transportation and the House and Senate Committees on Appropriations a supplemental report regarding the business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes: *Provided further*, That none of the funds in this Act may be used for operating expenses and capital projects not approved by the Secretary of Transportation nor on the National Railroad Passenger Corporation's fiscal year 2004 business plan: *Provided further*, That none of the funds under this heading may be obligated or expended until the National Railroad Passenger Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act.

GENERAL PROVISIONS—FEDERAL RAILROAD
ADMINISTRATION

SEC. 150. To authorize the Surface Transportation Board to direct the continued operation of certain commuter rail passenger transportation operations in emergency situations, and for other purposes:

(a) Section 11123 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "failure of existing commuter rail passenger transportation operations caused by a cessation of service by the National Railroad Passenger Corporation," after "cessation of operations,";

(B) by striking "or" at the end of paragraph (3);

(C) by striking the period at the end of paragraph (4)(C) and inserting "; or"; and

(D) by adding at the end the following new paragraph:

"(5) in the case of a failure of existing freight or commuter rail passenger transportation operations caused by a cessation of service by the National Railroad Passenger Corporation, direct the continuation of the operations and dispatching, maintenance, and other necessary infrastructure functions related to the operations.";

(2) in subsection (b)(3)—

(A) by striking "When" and inserting "(A) Except as provided in subparagraph (B), when"; and

(B) by adding at the end the following new subparagraph:

"(B) In the case of a failure of existing freight or commuter rail passenger transportation operations caused by a cessation of service by the National Railroad Passenger Corporation, the Board shall provide funding to fully reimburse the directed service provider for its costs associated with the activities directed under subsection (a), including the payment of increased insurance premiums. The Board shall order complete indemnification against any and all claims associated with the provision of service to which the directed rail carrier may be exposed.";

(3) by adding the following new paragraph at the end of subsection (c):

"(4) In the case of a failure of existing freight or commuter rail passenger transportation operations caused by cessation of service by the National Railroad Passenger Corporation, the Board may not direct a rail carrier to undertake activities under subsection (a) to continue such operations unless—

"(A) the Board first affirmatively finds that the rail carrier is operationally capable of conducting the directed service in a safe and efficient manner; and

"(B) the funding for such directed service required by subparagraph (B) of subsection (b)(3) is provided in advance in appropriations Acts."; and

(4) by adding at the end the following new subsections:

“(e) For purposes of this section, the National Railroad Passenger Corporation and any entity providing commuter rail passenger transportation shall be considered rail carriers subject to the Board’s jurisdiction.”

“(f) For purposes of this section, the term ‘commuter rail passenger transportation’ has the meaning given that term in section 24102(4).”

(b) Section 24301(c) of title 49, United States Code, is amended by inserting “11123,” after “except for sections”.

FEDERAL TRANSIT ADMINISTRATION
ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration’s programs, \$14,500,000: *Provided*, That no more than \$72,500,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds available not to exceed \$948,000 shall be available for the Office of the Administrator; not to exceed \$6,126,000 shall be available for the Office of Administration; not to exceed \$3,848,000 shall be available for the Office of the Chief Counsel; not to exceed \$1,067,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed \$7,303,000 shall be available for the Office of Program Management; not to exceed \$6,027,000 shall be available for the Office of Budget and Policy; not to exceed \$4,328,000 shall be available for the Office of Demonstration and Innovation; not to exceed \$2,657,000 shall be available for the Office of Civil Rights; not to exceed \$3,732,000 shall be available for the Office of Planning; not to exceed \$17,697,000 shall be available for regional offices; and not to exceed \$16,567,000 shall be available for the central account: *Provided further*, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: *Provided further*, That no appropriation for an office shall be increased or decreased by more than 3 percent by all such transfers: *Provided further*, That any change in funding greater than 3 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$1,000,000 shall be available for travel expenses: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, \$2,000,000 shall be reimbursed to the Department of Transportation’s Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That not to exceed \$2,200,000 for the National transit database shall remain available until expended.

FORMULA GRANTS
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105-178, \$767,800,000, to remain available until expended: *Provided*, That no more than \$3,839,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding section 3008 of Public Law 105-178, \$50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under “Federal Transit Administration, Capital investment grants”.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, \$1,200,000, to remain available

until expended: *Provided*, That no more than \$6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, \$24,200,000, to remain available until expended: *Provided*, That no more than \$122,000,000 of budget authority shall be available for these purposes: *Provided further*, That \$5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), \$4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), \$8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), \$60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), \$12,614,400 is available for State planning (49 U.S.C. 5313(b)); and \$31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303-5308, 5310-5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105-178, \$5,807,020,000 to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That \$3,071,200,000 shall be paid to the Federal Transit Administration’s formula grants account: *Provided further*, That \$97,800,000 shall be paid to the Federal Transit Administration’s transit planning and research account: *Provided further*, That \$58,000,000 shall be paid to the Federal Transit Administration’s administrative expenses account: *Provided further*, That \$4,800,000 shall be paid to the Federal Transit Administration’s university transportation research account: *Provided further*, That \$64,000,000 shall be paid to the Federal Transit Administration’s job access and reverse commute grants program: *Provided further*, That \$2,507,220,000 shall be paid to the Federal Transit Administration’s capital investment grants account.

CAPITAL INVESTMENT GRANTS
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, \$599,280,000, to remain available until expended: *Provided*, That no more than \$3,106,500,000 of budget authority shall be available for these purposes: *Provided further*, That there shall be available for fixed guideway modernization, \$1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, \$677,700,000; and there shall be available for new fixed guideway systems \$1,214,400,000, to be available as follows:

Baltimore, MD, Central Light Rail Double Track Project, \$40,000,000;
BART San Francisco Airport (SFO), CA, Extension Project, \$100,000,000;
Boston, MA, Silver Line Phase III, \$3,000,000;
Charlotte, NC, South Corridor Light Rail Project, \$4,000,000;
Chicago Transit Authority, IL, Douglas Branch Reconstruction, \$85,000,000;
Chicago, IL, Metra Commuter Rail Expansions and Extensions, \$52,000,000;
Chicago, IL, Ravenswood Reconstruction, \$45,000,000;
Dallas, TX, North Central Light Rail Extension, \$30,161,283;
Denver, CO, Southeast Corridor LRT (T-REX), \$80,000,000;

East Side Access Project, NY, Phase I, \$70,000,000;

Ft. Lauderdale, FL, Tri-Rail Commuter Project, \$18,410,000;

Las Vegas, NV, Resort Corridor Fixed Guideway, \$15,000,000;

Los Angeles, CA, Eastside Light Rail Transit System, \$10,000,000;

Memphis, TN, Medical Center Rail Extension, \$9,247,588;

Minneapolis, MN, Hiawatha Corridor Light Rail Transit (LRT), \$74,980,000;

New Orleans, LA, Canal Street Streetcar Project, \$23,921,373;

New York, Second Avenue Subway, \$3,000,000;

Newark, NJ, Rail Link (NERL) MOS1, \$22,566,022;

Northern, NJ, Hudson-Bergen Light Rail (MOS2), \$100,000,000;

Phoenix, AZ, Central Phoenix/East Valley Light Rail Transit Project, \$13,000,000;

Pittsburgh, PA, Stage II Light Rail Transit Reconstruction, \$32,243,422;

Portland, OR, Interstate MAX Light Rail Extension, \$77,500,000;

Raleigh, NC, Triangle Transit Authority Regional Rail Project, \$3,000,000;

Salt Lake City, UT, Medical Center LRT Extension, \$30,663,361;

San Diego, CA, Mission Valley East Light Rail Transit Extension, \$65,000,000;

San Diego, CA, Oceanside-Escondido Rail Project, \$48,000,000;

San Juan, PR, Tren Urbano Rapid Transit System, \$43,540,000;

Seattle, WA, Sound Transit Central Link Initial Segment, \$15,000,000;

Washington, DC/MD, Largo Extension, \$65,000,000;

Washington, DC/VA, Dulles Corridor Rapid Transit Project, \$25,000,000;

Hawaii and Alaska Ferry Boats, \$10,296,000;

Oversight set-aside, \$12,144,000; and

San Francisco, CA, Muni Third Street Light Rail Project, \$10,000,000;

Provided further, That notwithstanding any other provision of law, for the purpose of calculating the non-New Starts share of the total project cost of both phases of San Francisco Muni’s Third Street Light Rail Transit project for fiscal year 2004, the Secretary of Transportation shall include all non-New Starts contributions made towards Phase 1 of the two-phase project for engineering, final design and construction, and also shall allow non-New Starts funds expended on one element or phase of the project to be used to meet the non-New Starts share requirement of any element or phase of the project: *Provided further*, That none of the funds provided in this Act for the San Francisco Muni’s Third Street Light Rail Transit Project shall be obligated if the Federal Transit Administration determines that the project is found to be “not recommended” after evaluation and computation of revised transportation system user benefit data.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 51, line 10 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. Are there points of order?

POINTS OF ORDER

Mr. MICA. Mr. Chairman, I have three points of order, and I would like to take them one at a time.

The CHAIRMAN. The gentleman will state his points of order.

Mr. MICA. Mr. Chairman, I make a point of order against the provision found on page 9 beginning on line 14 and ending on line 15. The phrase "to be derived from the Airport and Airway Trust Fund and." This is an unauthorized appropriations from the Airport and Airway Trust Fund in violation of clause 2 of rule XXI.

Mr. YOUNG of Florida. Mr. Chairman, I am disappointed that my colleague from Florida made this point of order, but in the event that he did, I must insist that the point of order be applied to the entire paragraph and not only to provisions within the paragraph to which the gentleman from the authorizing committee objects.

The CHAIRMAN. The point of order is extended to the entire paragraph.

Does any other Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we would concede the point of order as extended as the Chair has stated to the entire paragraph.

The CHAIRMAN. The point of order is conceded and sustained. That paragraph is stricken from the bill.

Mr. MICA. Mr. Chairman, I have a second point of order.

Mr. Chairman, I make a point of order against the provision found on page 12 beginning with the word "for" on line 12 through "49 USC 44706" on line 16 and again on page 12, line 22 beginning with the words "provided further" through page 13, line 2. This would fund administrative expenses of the Airport Improvement Program, AIP, and the cost of the Small Community Air Service Development Pilot Program from contract authority that is authorized only for airport grants, not administrative expenses or other programs. It would also waive existing law. Both the proviso and this related language are legislative in nature and, therefore, in violation of clause 2 of rule XXI.

Mr. YOUNG of Florida. Mr. Chairman, again, I must insist that the point of order be applied to the entire paragraph and not only to provisions within the paragraph to which the gentleman from the authorizing committee objects.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, to the extent that it applies to the entire paragraph, namely, from line 1 on page 12 through line 2 on page 13, to that extent, applying to that entirety, we would concede the point of order, but only to that extent.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

If not, the point of order is conceded and sustained and the paragraph is stricken from the bill.

Mr. MICA. Mr. Chairman, I have a third and final point of order I would like to offer on behalf of myself and the Committee on Transportation and Infrastructure.

Mr. Chairman, I make a point of order against all of section 105 which begins on page 14, line 16 through page 15, line 2. That section authorizes the Federal Aviation Administration to accept funds from an airport sponsor to expedite the environmental review process for airport projects that would add critical airport capacity to the National Air Transportation System. The conference report on H.R. 15 contains a provision that is similar but, in fact, broader in scope. The language in H.R. 15 will allow the FAA to accept funds from an airport sponsor in order to facilitate the timely processing, review and completion of environmental activities associated with any airport development project.

To avoid the confusion that could arise from the enactment of two inconsistent provisions, I object to section 105 on the grounds that it is legislative in nature and in violation of clause 2, rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we would concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and section 105 is stricken from the bill.

Mr. PETRI. Mr. Chairman, I have 15 points of order to the bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PETRI. Mr. Chairman, on behalf of the Committee on Transportation and Infrastructure, I make a point of order against the provision found on page 17, lines 6 through 11. This provision would rescind \$137 million in unobligated balances of Highway Contract Authority.

Under this provision, each State Department of Transportation would lose funds from the Surface Transportation Program, the Congestion Mitigation Air Quality Program, the National Highway System Program, the Interstate Maintenance Program, and the Bridge Program. This will reduce each State's ability to move funds from one category to another within its obligation limitation and will be particularly harmful given that States may soon need to use their unobligated balances to continue their programs pending enactment of a long term reauthorization of surface transportation programs. The creation and rescission of contract authority is the exclusive jurisdiction of the Committee on Transportation and Infrastructure. This decision is legislative in nature and in violation of clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, although the effect of the amendment, unfortunately, is to add \$137 million which we do not have in the budget authority to the underlying bill, thereby complicating the efforts to ultimately achieve a successful conference with the Senate, nevertheless, we must concede that the point of order is correct.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the point of order is conceded and sustained, and that paragraph is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against section 110 which begins on page 18 and ends on page 23, line 15. Section 110 specifies the distribution of funds for the Federal-aid Highways Program. I expect that this Congress will extend the existing highway program for a period of time. If we do so, this provision will create confusion and conflict and is unnecessary. This entire section is legislative in nature, in violation of clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, although the effect of this point of order would be to remove the distribution formula and leave us in limbo, which we hope to ultimately correct, nevertheless, we must concede the point of order.

The CHAIRMAN. Anyone wishing to be heard?

If not, the point of order is conceded and sustained, and section 110 is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against section 111 which begins on page 23, line 16 and ends on page 24, line 12. Section 111 increases the Federal Highway administrative takedown authorized in 23 USC 104(a) from one and one-sixth percent to 1.35 percent. It would also waive existing law. This is legislative in nature, in violation of clause 2 of rule XXI.

Mr. ISTOOK. Mr. Chairman, we unfortunately must concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and section 111 is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the last two provisos of section 118 on page 28, line 19 beginning with "provided" and through page 29, line 3.

Section 118 directs the Secretary of Transportation to modify a specific loan agreement and to have the proposed loan modification funded under the Transportation and Infrastructure Finance and Innovation Act Program. By statute, eligibility for federally guaranteed loans under the TIFIA program is determined by the Secretary of Transportation in accordance with rigorous and selective criteria. It also waives existing law. Waiving existing law is legislative in nature and violates clause 2 of House rule XXI.

The CHAIRMAN. Does any Member wish to be heard?

Mr. ISTOOK. Mr. Chairman, I feel the need to speak a little bit in greater length because of the consequences of this point of order.

This point of order would strike the final two provisos in section 218 but leave intact the remainder of that section. Those provisos that would be stricken would ensure that the loan refinancing of the Alameda Corridor Transportation Authority are subsumed, that is, contained within the

Transportation Infrastructure Finance Innovation Act and thereby would limit the overall expense of this refinancing to \$80 million.

The effect of the amendment is to increase, again, the cost of our bill by upwards of \$160 to \$170 million in budget authority and a similar number in outlays.

The reason the committee included section 118 as written is to ensure that the refinancing of the Alameda Corridor Transportation Authority can be funded through the Transportation Infrastructure Finance and Innovation Act Program and that the cost of that refinancing to the Federal Government will not exceed \$80 million.

If the point of order is sustained, the refinancing costs will no longer be limited and it cannot be paid for from the TIFIA program. The effect of the elimination of these provisos may cause the Congressional Budget Office to increase their scoring of the bill by the \$160 to \$170 million. That would put the bill well over our 302(b) allocation.

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We have already had another point of order that pushed us above that allocation. We cannot afford this change. The effect of sustaining the point of order could be to make it impossible to do this refinancing that is crucial in the Alameda corridor. So I would ask the gentleman to consider the serious financial effect of his point of order and consider withdrawing the point of order.

The CHAIRMAN. Do any other Members wish to be heard on the point of order? If not, the Chair finds that this provision explicitly supersedes existing law. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and section 118 is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the phrase "Notwithstanding any other provision of law" found on page 31, line 5. This language clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Does any Member wish to be heard on the gentleman's point of order?

Mr. ISTOOK. Mr. Chairman, we concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and that language is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the phrase "to be derived from the Highway Trust Fund (other than the Mass Transit Account)" on page 31, lines 19 through the word "account" on line 21. This section appropriates \$47 million from the Highway Trust Fund for the border enforcement program. There is no current authorization of a border enforcement program. This language clearly constitutes an unauthorized appropriation in violation of clause 2 of rule XXI of

the rules of the House of Representatives.

The CHAIRMAN. Is there any Member wishing to be heard on the point of order?

Mr. YOUNG of Florida. Mr. Chairman, again, I must insist that the point of order be applied to the entire paragraph and not just to the provision within the paragraph to which the gentleman from the authorizing committee objects.

The CHAIRMAN. Is there any other Member wishing to be heard?

Mr. ISTOOK. Mr. Chairman, to the extent that the point of order is correctly applied against the entire paragraph, namely, the text from page 31, lines 14 through lines 21 to its entirety and not just to a portion thereof, to that extent and only that extent we would concede the point of order.

The CHAIRMAN. Are there any other Members wishing to be heard on the point of order? The point of order is conceded and sustained, and the paragraph is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against all of section 130 which begins on page 31, line 24. This section authorizes an administrative takedown that exceeds the one-third of 1 percent administrative takedown authorized by section 104(a)(1)(B) of Title 23. It also violates existing law. This increase is legislative in nature in violation of rule XXI.

The CHAIRMAN. Is there any Member wishing to be heard?

Mr. ISTOOK. Mr. Chairman, we concede this point of order against this section.

The CHAIRMAN. The point of order is conceded and sustained, and section 130 is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the phrase "Notwithstanding any other provision of law" found on page 34, line 24. This language clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Is there any Member wishing to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and that language is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the two provisos which begin on page 36, line 17 starting with the words "provided further" through page 37, line 5. These provisos of section 104 earmark the manner in which certain safety-related grants are to be used by the States. These unauthorized earmarks reduce both the amount of funding available to the States and the States' discretion in the use of these funds. I object to these earmarks on the grounds that they are unauthorized, in violation of rule XXI.

The CHAIRMAN. Is there any Member wishing to be heard on this point of order?

Mr. ISTOOK. Mr. Chairman, despite the negative consequences, we believe we must concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and those two provisos are stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the proviso that begins at the end of line 16 on page 45 through line 23. This proviso purports to transfer \$50 million provided by TEA for the clean fuels bus formula grant program to the transit bus discretionary grant program, where it is distributed not by the statutory formula envisioned in TEA but rather by earmarks in report language. It also waives existing law. This proviso is legislative in nature in violation of rule XXI.

The CHAIRMAN. Is there any Member wishing to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and that proviso is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the phrase "Notwithstanding any other provision of law" found on page 46, line 25. This language clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and that language is stricken from the bill.

Mr. PETRI. I have additional points of order, but they are starting on page 51 which would that be in order at this point?

The CHAIRMAN. Does the gentleman seek to raise a point of order on page 50?

Mr. PETRI. No. Page 51, line 12 is my next point of order.

The CHAIRMAN. The bill is read only through line 10 on page 51. Are there any other points of order against provisions in his portion of the bill? If not, are there any amendments?

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

On page 6, line 9 of the bill, delete "\$6,000,000,000" and insert in lieu thereof "\$4,043,000,000".

Mr. ISTOOK. Mr. Chairman, this is a very simple and straightforward amendment. It lowers the amount for the Federal Aviation Administration's operating budget that would be coming from the Aviation Trust Fund, changing the amount that comes from the Aviation Trust Fund from \$6 billion to \$4.043 billion. The remainder, however, would remain appropriated, but from general revenue.

The amended figure is the amount that would be allowed under the current aviation authorization if it were

to be extended until fiscal year 2004. The amount originally under the bill, the \$6 billion, was the amount proposed by the administration in the President's budget.

The effect is that the funding in the bill for this purpose will remain the same. It will remain \$6 billion of overall funding. It is just that the source will be slightly over \$4 billion from the Aviation Trust Fund and slightly under \$2 billion in general revenue fund.

The Committee on Transportation and Infrastructure had raised an objection to the higher Aviation Trust Fund figure. They had suggested a potential point of order might lie against it as an unauthorized appropriation. So we worked this out with the authorizers, and I know of no objection to it.

This does not add funding to the bill. This does not take funding from the bill. It only changes the mix of general fund and trust fund dollars used to finance the FAA.

I ask for adoption of the amendment.

The CHAIRMAN. Is there any Member seeking time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 10 OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HOYER:

Page 2, line 8, after the first dollar amount insert the following: "(increased by \$8,268,000)".

Page 5, line 21, after the dollar amount insert the following: "(reduced by \$8,268,000)".

Mr. HOYER. Mr. Chairman, the effect of this amendment will be to transfer \$8.2 million from the construction fund for the transportation building which we have cleared cannot be spent this year in 2004. It will be spent in 2006, and we did not want to damage that building because we are very strong supporters of that building, and put \$8.26 million for the general aviation airports into the Washington metropolitan area. I would like to speak about it and then have a little discussion with the chairman and then perhaps take some action and we can work on this later.

In the aftermath, Mr. Chairman, of the September 11 terrorist attacks, the Federal Aviation Administration issued temporary flight restrictions on the small aircraft of general aviation as part of its efforts to make commercial air travel safer. Unfortunately, while those restrictions were lifted for general aviation in the entire rest of the country, small airports in the Washington metropolitan area have continued to languish under binding restrictions of their operations.

These are private sector. This is not public. These are private sector entrepreneurs, businessmen and -women who have invested their dollars in the operations of these general aviation airports. In fact, the only airports in the country that are closed or severely restricted to incoming and outgoing general aviation are Reagan National Airport and the three D.C. general aviation airports.

I might say that I offer this amendment on behalf of the gentleman from Virginia (Mr. TOM DAVIS) and others and the gentleman from Virginia (Mr. TOM DAVIS) is here. He can speak for himself. As a result, these small airports, specifically College Park Airport, Potomac Airfield, Washington Executive, and National, National is not on the brink of financial collapse, obviously, because it is associated with a large public airport. The other three airports, however, are not in that situation. They survive or fail solely on the revenues from their general aviation, and they are in dire straits. These airports have been forced to nearly cease their operations, effectively endangering the livelihood of their employees who have lost income and jobs and airport owners who have lost long-time customers and almost all of their revenue.

There is no doubt that we must stem the tide of economic decline for general aviation. This industry is a proven integral part of the Nation's economy, providing vital service and economic stability to individual families, churches, hospitals, colleges, industry, small businesses and communities.

Aviation transportation in Maryland is a \$1.3 billion industry. My amendment is, therefore, very simple. It will reimburse these general aviation airports for the security costs incurred and revenue foregone because of government restriction.

Let me say, I have had discussions with Sean O'Keefe, who is now the administrator of NASA, but who was the deputy administrator of OMB. He believes this is fair. Secretary Mineta testified before our subcommittee that this was their proposal that this be done, and there is legislation pending to accomplish that, but obviously it needs an appropriation.

Mr. Chairman, I want to yield to the gentlewoman from the District of Columbia (Ms. NORTON) who represents the District of Columbia and National Airport.

Ms. NORTON. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, I simply want to thank the gentleman for the leadership he has given to this issue to mitigate some of the almost total losses of the airports in this district which handle charter flights and commercial flights. This is the Nation's Capital. One can imagine a major business destination without any charter flights for almost 2 years.

What we are asking for is a pittance compared to what the losses have been. Originally I think the amendment was \$15 million. It is now \$8.2 million.

I do want to indicate that these airports I think are three small ones, in Maryland, perhaps Virginia, and there is, of course, the larger one here in the District. They said whatever regulations, in fact, that we come forward with they will meet. Instead they have been closed. At the very least what we have got here is close to a taking. We ought to compensate them somewhat for what they have done. We compensated all the other airlines. There is no other commercial aviation in the United States, indeed in the world, that is closed today except in this region.

We ask for forbearance and for some compensation. That is all it would be, some compensation.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for her work and her cosponsorship of this amendment and her comments.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I appreciate my friend from Maryland for taking leadership on this, and my colleague from the District. I have asked the chairman of the subcommittee, I know he is interested in this as well.

This is something that 9/11 shut these airports down. They are actually very, very important to the Nation's security here in terms of ingress and egress, and we have, I think, a national interest in preserving these. As was stated before, it is just a pittance, but it is important to keep them economically viable.

Let me ask the chairman of the committee can he work with us to make sure that in conference this money is included if he is not comfortable with where this money is coming from at this point.

□ 1430

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I very much appreciate the comments of each of the gentlemen. As I believe everyone is aware, originally my mark as chairman included funds for this purpose when it came out of the subcommittee. Unfortunately, when other extremely large demands were imposed upon the bill, including demand for Amtrak and other things, this and many other worthwhile things had to be dropped out of the bill in full committee in that process. Nevertheless, the underlying equities, I think, are very much as the gentleman has stated.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 3 additional minutes.)

Mr. HOYER. Mr. Chairman, I continue to yield to the chairman of the subcommittee.

Mr. ISTOOK. I thank the gentleman, Mr. Chairman.

As I was mentioning, this and many other meritorious things, unfortunately, had to be dropped out in full committee not because they lacked merit but simply because of the funding restrictions.

As I have certainly told the gentleman from Maryland, the gentleman from Virginia, and the gentlewoman from the District of Columbia, I remain committed to addressing this. I believe the equities are there. Frankly, I believe the government is open to an inverse condemnation litigation that would cost us even more. So it is something I do hope we can accomplish in the conference process with the Senate.

I stated that previously, and originally had that intent and put that in my original chairman's mark. So while I remain committed to that objective, it is just that we had to balance this with the overall figures in the ultimate House-Senate conference. But I most definitely am committed to working with my colleagues towards the same goal.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I thank the chairman for his comments and would remind my colleagues that we have given billions of dollars to the airlines, these are billion dollar corporations, as a result of 9-11. These three little airports, plus National Airport, are the only private business people so situated in the airline industry who have not received compensation. And they, unlike the airlines per se, are losing their entire investments because of their inability to operate these airlines.

I appreciate the chairman's observations with respect to the equities of the claim here. I also appreciate the observation of the chairman and the gentlewoman from the District of Columbia that we may be subject to a lawsuit which we would lose because this is in fact an effective taking of their property without due process. None of these folks want to damage the security of this region or the White House or the Capitol. They understand our concern. But we certainly need to compensate them.

In light of the fact the chairman has indicated his willingness to work with us to try to ensure the funding, I believe \$8.2 million which we have in here is the approximate amount for National, a larger sum, and then a much smaller sum for the other three; and I believe that the sum from which we have taken it will not in any way adversely affect the Transportation Department's building going forward because of the scheduling of those expenditures; but because the chairman has made that representation, I will withdraw the amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment offered by my good friend, the gentleman from Maryland, as well as the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Virginia (Mr. WOLF); and I know several of the Senators in this area are supporting this as well. This is terribly important to our economy in the Washington region, but also to the Nation's economy.

We have pretty much recovered on the surface of things from 9-11, at least we have rebuilt the Pentagon, we are now functioning as well as we can at National Airport in terms of commercial jets and we are responding to national and international challenges. But general aviation is in the same situation it was when it was closed as a result of the tragedy of September 11, 2001. This is unfair. It is wrong. We have to do something about it.

Outside the infrequent use of official government planes, general aviation operations at National Airport are prohibited. There were more than 60,000 business aviation flights a year at National Airport. It was not the kind of mom and pop Cessnas and Piper Cubs that were bringing visitors to Washington to tour the Capitol and the museums; it was business executives, top government officials, and CEOs who need their own aircraft and need the efficiency of an airport close to the city to do their business.

This is hurting Washington's economy, and it is devastating a company like Signature Flight Support, which is the sole provider of general aviation services at National Airport. They were generating revenues of \$20 million a year. They had hundreds of employees. Those people are out of a job. Signature Flight Support has lost about \$3 million, \$1 million a year, and it is hemorrhaging money every single day.

Under the terms of its lease, it is required to staff and operate National Airport 24 hours a day, 7 days a week regardless of whether there is any demand for its services. For 8 months, the Department of Transportation worked with them. They said that they were going to be able to open the airport, and it encouraged Signature to stay in business. But then on July 19 of 2002, Secretary Mineta informed airport officials that general aviation would remain closed indefinitely for security reasons. They have lost too much money. They have had to lay off too many people, and it is not fair to expect them to maintain Federal Government planes when that is not their job. Their job is to service all of general aviation, and we shouldn't be preventing them from doing their job.

This has not gone unnoticed by the House, and I want to thank those on the authorizing committee. There is a

provision in the Aviation Reauthorization Act that authorizes funds to help general aviation activities that have been hurt by these security restrictions. With the adoption of the Hoyer amendment, we would be able to fulfill the legislation's intent and actually provide some very needed relief to those businesses that are suffering through no fault of their own.

This is a Federal responsibility. We really ought to fund the Hoyer amendment. We ought to get these businesses back on their feet. They have a right to recover from 9-11 too.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I just want to thank the gentleman for his leadership in this effort as well. He and I have worked very closely on this issue and he has been very focused on National and the other three airports.

It is certainly ironic that we are making efforts, I think appropriate efforts, to fund infrastructure in Iraq; but we cannot compensate business people who were damaged by 9-11 and who are almost driven out of business at a very, as the chairman said, at a relatively nominal sum. So I hope with the chairman's leadership we will be able to do this in conference.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, I thank the gentleman very much and would add one last word. This is not a security threat. We know everybody that is on these planes, and they are the last people that would engage in any kind of terrorism. It is a much safer passenger list, I have to say, than the normal population that gets on a commercial airline flight. We don't really know much about them except what they might be carrying in their shoes or something.

This is not a security issue; it is an economic issue and an issue of fairness. General aviation needs to be opened.

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. PETRI:
Strike section 114 of the bill and redesignate subsequent sections of the bill accordingly.

Mr. PETRI. Mr. Chairman, I am joined by the gentleman from Massachusetts (Mr. OLVER) and several other Members in offering an amendment that would strike section 114 of the bill.

This provision, as described in the committee report, "discontinues the mandatory 10 percent set-aside from the surface transportation program for the transportation enhancement program."

Mr. Chairman, this is wrong on many levels, and the provision should be stricken from the bill. Over the last 12 years, enhancements have become an appreciated and important part of our transportation program. Though individual projects are not costly, enhancements nevertheless pack a big punch in

terms of promoting economic growth and tourism. They fund bike paths that are enjoyed by families on a Saturday morning. They complete street-scape projects that revitalize the neighborhood. They improve our quality of life and have become important to communities across our country. All of them have a transportation-related purpose.

It has been said that we need to give State transportation departments the flexibility to decide how to spend their money. Well, the American Association of State Highway and Transportation Officials, which is known by the phrase AASHTO, support the amendment. They have come to value the contributions of this program.

In reference to diversions, I would like to point out that nonhighway recreational users contribute, according to the estimate of the Treasury Department and the Transportation Department, up to \$268 million a year in gas taxes to the highway trust fund. I trust that in the last several decades recreational users still have contributed more than they have received since we created this program.

It has been said that we need to eliminate the enhancements program because we are billions short for covering our basic highway and bridge needs. I am glad there is recognition of the need to invest in our transportation systems, but I daresay that eliminating this \$600 million program is not the answer to our funding needs. Finally, Members should be aware that the President's reauthorization proposal, which was just recently submitted, continues to dedicate funding for 10 enhancement programs.

While this amendment should pass on the merits of the program alone, I must also say that it is wrong to use the appropriations process to, in essence, rewrite the transportation program and allow funds now dedicated for enhancements to be used for other purposes. This is more appropriately the function of the authorizing committee.

In short, Mr. Chairman, State Departments of Transportation through their organizations support this amendment; counties support the amendment; cities support this amendment; environmental groups support the amendment; AARP supports it; bike, architects, conservation and historic conservation groups support it. Recreation and travel groups support it. Even various health groups and the Paralyzed Veterans of America have expressed support. And the list goes on. It is not a State's rights issue. The States have spoken. They want to retain dedicated funding for transportation enhancements.

Mr. Chairman, let us follow the lead of our President and continue dedicated funding for transportation enhancements by passing this amendment.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is important that we understand more correctly

what we are talking about here. We are talking about money that comes from the fuel taxes. When we drive a car or we drive a truck, we pay a fuel tax. Where does that money go? Right now, for every \$6 in fuel taxes paid, \$1 never even goes back to highways because it goes to mass transit funding.

That is one of the reasons that we have a \$400 billion backlog in road needs in this country. That is one of the reasons we have tens of thousands of unsafe bridges. It is one of the reasons we have tens of thousands of miles of roads that need improvement, that need to be safer, that need wider shoulders or better dividing. It is one of the reasons we lose billions of dollars each year in productivity because we do not necessarily pick our priorities right.

It is not a question of whether it is nice and whether people say, yes, we would like to have a program to build more bike trails and pedestrian ways, and what has not been mentioned is that this money also goes for things like transportation museums and so forth. Of course people want that money. But if we ask them what is more important to them, is it more important to have the enhancements or to take care of the basics, this bill says that rather than having to take 10 percent, as the current standard requires, 10 percent of the surface transportation dollars and put them into the transportation enhancements, the pedestrian ways, the bike ways, the museums, they must, they must do it right now, we say let them have a choice. Let them work on improving safety first, if they say that is the highest priority. For goodness sake, put the money where the priority is the highest. Not just because people say, sure, I like this program, but is it the most important thing in a Nation with a \$400 billion backlog because the highway trust fund has been decreasing.

Every year this program is taking \$600 million paid for by drivers and putting it into everything but roads through this transportation enhancement program.

□ 1445

Let the States have a choice. Let them decide for themselves where their priorities are highest. I ask Members, they come to me and they say they need funding for a road. If Members vote that they do not think roads are their highest priority, do not ask for money for roads if Members want to divert that money.

This provision is about options, letting people make priority decisions. We should not try to dictate to the States from Washington, D.C. that they cannot spend the money that drivers pay to relieve the congestion drivers are experiencing, and they have to spend it on other things. We should not be doing that.

We have spent billions of dollars already that our roads needed that were mandated for these things. It is time to give communities a choice, not a com-

mandment. That is what the amendment is about. The bill gives them a choice. The amendment says States do not have a say, they must take the money paid by drivers and put it into things that do not move as many people and do not move the goods and do not relieve the congestion and do not improve safety. They are definitely nice things to have, but when we have limited money, we have to make tough decisions. We are trying to make the tough decisions.

I hope that every Member that thinks they have roads that are important in their community will remember whether they voted to say our communities should be able to address those needs, or Washington is dictating and saying they have no say in the matter, States are compelled to take 10 percent of their surface transportation dollars and take them away from the people who paid at the pump for roads.

And do not tell me we need to adjust fuel taxes upward if we are not using the money rightly that we get right now. If we are not using the money for the intended purpose, if we are not honoring a trust fund principle and using user fees properly, for goodness sake, do not be asking to raise the fuel tax. There is some money paid by recreational people. We have \$50 million in an off-road fund already to pay for trails. We have millions more in other provisions in this bill to pay for rails-to-trails, to pay for pedestrian ways, to pay for bikeways. We have some of those projects in this bill. There are some with merit; but we should not be dictating to the States what they do with the money their taxpayers pay, and it is coming back to them with a mandate to divert it. I ask for the defeat of the amendment.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a member of the Committee on Transportation and Infrastructure and the conference committee for both ISTEA and TEA-21, I was totally immersed in developing the transportation enhancements program and ensuring its long-term viability. As authorizers, we were very specific about the 10 percent mandatory set-aside and feel that section 114 of the fiscal year 2004 Transportation, Treasury and Independent Agencies Appropriations Act changes the laws that this House created. This constitutes a major legislative change in the highway bill and is without question the wrong way to go.

The transportation enhancement program accounts for a mere 2 percent of the overall funding of the highway program. Many people do not realize this because while the funding amount may be small, the benefits local communities receive make a tremendous impact on the character and vitality of towns and villages across America.

Transportation enhancements have improved the health and environment as well as the economic well-being of our communities by funding more than

17,000 projects. These projects have ranged from restoring streetscapes on local main streets to preserving landmark roads and bridges to revitalizing old transportation facilities.

Transportation enhancements create an environment where cyclists and pedestrians can safely coexist with motorists while also improving the landscape of a community. Nationwide communities have enhancement projects that they are very proud of. Whether a trail or a bike lane or a streetscape enhancement or a pedestrian bridge, these small projects are oftentimes how a community identifies itself and takes great pride in these projects with tourists and visitors, and that produces economic vitality. These projects also help to decrease congestion and improve the quality of the air we breathe, further adding to the quality of our life.

I could go on and on listing various groups that support transportation enhancements and benefit from them. They range from mayors and Governors and park directors to hikers and bikers and farmers. My own State Department of Transportation has requested us to make the set aside mandatory because of the tremendous benefits derived from the program. To appreciate the value of the transportation enhancements program, one needs only to imagine the pathways teaming with strollers and rollerbladers and people biking to work. Picture the historic transportation structures that have breathed life and vitality into declining downtown areas.

Mr. Chairman, I included for the RECORD the remainder of my statement, and urge strong support of the Petri-Olver enhancement amendment.

The enhancement program has encouraged communities to come together and craft a vision for revitalizing their downtown areas, for constructing networks of pathways along creeks and rivers, and for preserving the transportation history of this country.

This process builds support from a broad swath of interests, including elected officials, business owners, walkers, bicyclists, fans of historic preservation and neighbors. The Enhancement program serves as a catalyst, leveraging more local investment, as one project builds support for the next. Our investment in the Transportation Enhancement program is modest, but the rewards are immeasurable. I urge strong support of the Petri/Olver amendment.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me start by commending the gentleman from Wisconsin (Mr. PETRI) for his leadership in presenting this amendment. I want to point out and remind Members that this amendment has been cosponsored by a bipartisan group from both sides of the aisle, including myself on the Committee on Appropriations, several members from the Committee on Transportation and Infrastructure, and several Members who have no connection with the Committee on Transpor-

tation and Infrastructure or the Committee on Appropriations. This is truly a bipartisan amendment.

I urge my colleagues to support this amendment to strike section 114 to preserve the enhancement program as it has been authorized and in law for the last 12 years.

Make no mistake, a vote against this amendment would cripple the extremely popular enhancement program. The transportation enhancement program created in 1991 in the ISTEA bill was designed to help communities expand transportation choices. Enhancement funds are used to create alternative means of transportation such as bicycle trails and pedestrian walkways which are directly associated with roadways. Enhancements also include the renovation of streetscapes, scenic roads, beautifications, and preservation and investment in the reuse of historic transportation infrastructure that creates both jobs and community amenities.

Congress in both ISTEA and the TEA-21 bill, and now the administration in its transportation reauthorization proposal, determined that a small portion, about 2 percent of our \$30-plus billion every year that goes into the highway program, should be used for these kinds of projects. From 1998 to 2003, a total of \$4 billion was provided to the States for these enhancements, of which almost \$3 billion had been obligated by the middle of this year.

But there is a more telling statistic: From 1971 to 1991, the 20 years before there was an authorized and overwhelmingly voted and agreed to set-aside for enhancements, only \$40 million was spent nationwide on bike and pedestrian paths, by far the largest component of the enhancement program. Yet under the authorized ISTEA and TEA-21 legislation, in those 12 years from 1991 until now, over \$2.2 billion out of a total of almost \$300 billion for highway programs, only that small amount has actually been allocated and directed in this manner for such bike and pedestrian paths. This occurred largely because of the guaranteed funding designated for enhancements over those two authorization bills which, as I point out again, have been voted for, established by the Congress and voted for by overwhelming numbers.

Without the guaranteed authorized set-aside, the program will perish. The fact is Congress has set-asides for many transportation activities. We have them for safety, for interstate maintenance, for bridges and many other areas. These enhancements should be no different.

Enhancements are popular and a needed component of a balanced transportation policy. Hundreds of Members in this body requested money for enhancements, and a good many of those projects are included in this very bill. In fact, the list includes such things as a Hot Springs Bike Trail in Arkansas, Independence Biking Road Access in

Kansas, Mountain Bay Trail in Wisconsin, Riverfront Trail in Georgia, the Salk Trail in Illinois, the Toledo Waterfront Redevelopment in Ohio, the Anacostia Riverwalk in the District of Columbia, and the list goes on and on. They include projects that have major social and economic benefits and provide jobs, like the Union Station rehabilitation project in Meridian, Mississippi, funded by enhancements that spurred \$10 million of private investment in the Depot District, and the Kentucky Cabinet for Economic Development has estimated that the River Heritage Museum, funded by enhancements, will bring in \$20 million to the Paducah area over 5 years.

We should continue more than a decade of success and bipartisan support for this very popular enhancement program. If Members support the enhancement program and believe in a balanced transportation bill, they will vote for the Petri amendment that so many other names have been associated with, including my own, and I urge an aye vote on the amendment.

Mr. LEWIS of Kentucky. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to voice my support for the Petri-Olver amendment. I support this amendment because nearly every community in the Second Congressional District of Kentucky has benefited from enhancement program funding.

During the August recess, I spoke with people who know the importance of this funding. Everything from streetscaping to structural rehabilitation to historic preservation has been helped due to the availability of these funds. By keeping the mandatory 10 percent set-aside, Kentuckians will see an enhanced quality of life and our Nation's heritage will stay alive for this and future generations.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. The issue at hand is relatively simple. The transportation enhancement program is about our communities and the enhancement and the empowerment of localities.

As a Member who has served on the Committee on Transportation and Infrastructure for going on 27 years now, and a former chairman as well as ranking member of the Subcommittee on Highways, I can recall that this was somewhat of a radical proposal when we adopted it back in 1991.

Prior to that, Federal highway legislation was largely viewed as the bastion of the States, highway contractors, asphalt, cement and steel manufacturers. The enhancement program transcended those interests and brought a relatively small portion of a State's annual Federal highway apportionment directly to local communities for local community projects. As I have said, a somewhat radical proposal perhaps in 1991, but certainly not

today, which is why after this program has worked so well over these past 12 years, it is odd that it is suddenly under attack.

Every Member of this body has a community where the lifestyle of its people have been enhanced by this program, where people have been drawn closer together and the old-fashioned American values are again flourishing as a result of enhancement projects.

In Princeton, West Virginia, for example, the community is being revitalized, partly as a result of a railroad museum partially funded under this program. In Milton, West Virginia, a historic covered bridge, cherished by the community, was rehabilitated under this program. And throughout the State, rails-to-trails, bike and pedestrian facilities, safety projects, and scenic beautification initiatives are enhancing the quality of life.

□ 1500

I am sure as we have already heard that all Members of this body have similar projects in their districts, projects that serve local communities, provide for families and children and which deliver so much in the way of benefits for relatively small cost.

I say let us stay the course. Vote for the Petri-Olver amendment. If changes are really needed to be made in this program, let us consider them in the normal legislative process as part of the TEA-21 reauthorization rather than going through the back door approach taken by the pending legislation.

So I urge support of the pending amendment.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find no small amount of irony. Yesterday, we were celebrating the accomplishments of that great American Lance Armstrong for his prodigious bicycle accomplishments, and today we are moving to gut the enhancements program that extends the benefits of cycling to millions of Americans.

I heard the distinguished chairman of the subcommittee speak to a couple of points. One, he talked about choice in transportation. Well, the fact is today, under the enhancement programs, there is choice that is available. States have the opportunity of flexing money in and out of the enhancements program if that is their priority.

The fact is that this is a priority for people if they have the focus of an enhancement program. The gentleman talked about safety. There is less than 1 percent of the money spent on 7 percent of the trips that are cycling and pedestrian, and they account for 13 percent of the fatalities.

If the gentleman was concerned about safety, I would suggest that maybe we would increase the funding in these enhancement programs. These are programs where people have indicated they want choices.

There are national surveys that indicate, in fact, over half the American public would put more money into bike and pedestrian activities even if it meant less money for roads. The fact is, under the bill that has been offered up, we do not have this either/or situation. All we have to do in striking section 114 is maintain the status quo and the integrity of the enhancements program. This is the single most popular Federal aid highway program for the Federal Government.

As chair of the Bikes Caucus, I can tell my colleagues that the bicycle interests are a vital part of each and every one of your communities. There are over 50 million American bicycle customers that have 100 million bikes. These have 80 million people employed in this industry in every one of our districts. They epitomize small town, small business ownership.

But it speaks also to pedestrians, to handicapped. I am not at all dismissive of issues of parks and museums and historic preservation. Each Member has received an outstanding memorandum from the National Trust for Historic Preservation that points out that this is the single largest area for funding historic preservation-related activities. It has been invaluable in mitigating the damage that transportation projects can do to historic places.

Since I have been in Congress, I have been privileged to visit over 100 communities dealing with issues of things that make those communities more livable. Every place we go, people focus in on the programs that deal with the enhancements program.

It would be a tragedy at a time when the media is filled with reports of the obesity epidemic among our children, when we have an energy crisis, when we found just last week medical studies that talked about communities that have the facilities that the enhancement program gives are six pounds on average lighter and have lower blood pressure, that this Congress in its first full day back after Labor Day would vote to cut it.

This last few days there has been a marvelous coalition quietly moving on Capitol Hill. Sadly, I think they have been almost too quiet because they represent millions of Americans who care about historic preservation, who care about fitness, who care about the revitalization of central cities, retrofitting sprawling suburbs, helping our children get to school safely, fighting the obesity epidemic.

They have visited every office, provided critical information about how the enhancements funding has made a difference in every State of the Union.

This enhancements program was born under a Republican administration and a Democratic caucus. It has enjoyed broad bipartisan support ever since.

I strongly urge my colleagues to support the Petri-Olver amendment to retain the integrity of the enhancements

program and make sure that our communities are more livable and make our families safe, healthy, and more economically secure.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in very strong support of this amendment. The interstate highway system was established in the 1950s, and it has served this country very well. The Congress is very proud of what it has done. But transportation has evolved. We have other responsibilities. We need to be concerned about the traffic congestion that we are generating, the deteriorating air quality, the loss of open space, and, as some other of our colleagues have said, an obesity epidemic among our youth. This Enhancement Program is one of the most popular aspects of our entire transportation program, because it encourages communities and individuals to be creative, to take initiative, to convert old, abandoned rail lines to trails.

Rails to Trails is exciting. It has given people other opportunities when they might spend much of their weekend in an automobile to go bicycling, jogging, walking along trails. It has done so much across the country. And it is transportation oriented. But most importantly, it is community oriented. That is key. That is really what this is about. Communities have an opportunity to have some input into how the billions of dollars in road projects are used, to enhance their quality of life.

At one point, 90 percent of our Nation's schoolchildren walked to school. Today, less than 10 percent do. Many have to take buses or rely on their families or friends to drive, primarily because there are no sidewalks or safe ways to get to school. Building sidewalks is one of the many eligible activities for this Transportation Enhancement Program. If we take away this component, we are going to weaken the ability of local communities and neighborhoods to address their priorities. I also think that we are going to lose an awful lot of important opportunities to beautify our transportation corridors, rehabilitate train stations and other transportation assets, provide safe wildlife crossings, and protect our historic, our scenic, our natural resources. We can do this all for about 1½ cents per surface transportation dollar. It is important. It is a critical element of a transportation program that is also concerned about congestion, air quality, loss of open space.

Just one last thing. Many Members live in northern Virginia, Alexandria and Arlington, for example. If we provided highways to accommodate everybody that wants to drive from outside the Beltway to the inner city of D.C., it would be all asphalt. There would not be any neighborhoods. There would be no grass. What we have to do is to find ways for public transportation to relieve our highways to give people an incentive to ride a bicycle, to find whatever way they can get to work in a way

that is healthy, that reduces the amount of congestion, and that enhances our quality of life and the strength of our communities. This program does all that. That is why the Petri-Olver amendment should pass. It has many other sponsors, the gentleman from Oregon (Mr. BLUMENAUER) has done a great job on this. It is bipartisan. It is important. Let us make sure it continues as part of our transportation program.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words.

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Chairman, I am a member of the Committee on Appropriations, and I think I am one of two members on our side who voted to support this effort to restore this program the way that it has existed for several years. I know it is probably not fashionable for me to be up here talking in favor of this amendment, but I feel strongly about it. I am a jogger. I have been a jogger for almost 30 years. I have taken full advantage of the Rails to Trails Program that exists in my congressional district and other parts of Illinois. I think it is a marvelous program. We have promoted around here a new caucus that has been formed by the Members to get Members to exercise more, to get Members to stay in shape. Part of the way that some of us do it is disembark from the Rayburn Building and jog down the Mall. It is not really a Rails to Trails, but it is a marvelous place to jog.

You see people jogging all over this part of the country. You see people jogging along the parkway from Old Town all the way down to where George Washington once lived. These are Rails to Trails. These are opportunities for people that would not have existed without this program. The last thing I want to do is to turn this program over to the Governor of my State. Every State in the country has a deficit. I guarantee you what these Governors will do is not turn this money into Rails to Trails or other amenities or other enhancements. They will use it to fund other things.

We have got a \$5 billion debt in Illinois. We have got a Governor who has been in office now 6 months, a new Governor, who has not been able to figure out how to do that. But I guarantee you that if you hand him a bag of money from the enhancements, from the Rails to Trails, he will find other uses for it. As we are encouraging people all over the country to exercise, to be fit, to eat right, to exercise and to do things that will continue to make people healthy, there is no better way to do it than to have this program. I am encouraging Members to support this amendment. This is a good program. It is a program that works. It is not broke.

I want to, too, mention what the gentleman from Oregon talked about, the

whole issue of obesity. There has been more written about obesity in the last 6 months or so or last year. If we really want Americans to be fit and healthy and get in good shape, the way to do it is to allow for the enhancement program that has worked so well, that allows people to get outdoors, to ride their bikes, to jog, to walk. What better way to bring people in a community together. This program has been a marvelous program. We should not change it. It is a program that works. It is not broke. I encourage Members to support the amendment and continue the fine program we have had.

Mr. PETRI. Mr. Chairman, I submit for the RECORD letters in support of the amendment from the American Association of State Highway and Transportation Officials; the American Association of Retired People; the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors; and the Transportation Enhancements Coalition.

AMERICAN ASSOCIATION OF STATE
HIGHWAY AND TRANSPORTATION
OFFICIALS,

Washington, DC, September 3, 2003.

DEAR CONGRESSMAN: I am writing on behalf of the American Association of State Highway and Transportation Officials (AASHTO) to urge your support for an amendment sponsored by Congressmen Thomas Petri and John Olver to strike language in H.R. 2989, the FY 2004 Transportation, Treasury, and Independent Agencies Appropriations bill, that eliminates funding specifically dedicated for transportation enhancements. The Petri-Olver amendment would strike Section 114 from the bill, restoring the Transportation Enhancements (TE) Program set-aside first established in 1991 in the Intermodal Surface Transportation Efficiency Act (ISTEA).

The TE Program is one of the most popular of the federal transportation programs with over 17,000 projects in communities located in almost every congressional district across the country. Projects ranging from pedestrian, bike and trail facilities to historic bridges and rehabilitated train stations have significantly contributed to the quality of life in these communities. AASHTO, which represents transportation agencies in the fifty States, the District of Columbia and Puerto Rico, supports continuation of this popular and worthy program.

Sincerely yours,

JAMES C. CODELL, III,
President

AARP,

Washington, DC, September 2, 2003.

Hon. ERNEST ISTOOK, Jr.,
Chairman, Subcommittee on Transportation,
Treasury and Independent Agencies, Committee on Appropriations, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We urge you to restore the 10 percent set aside from the Surface Transportation Program to fund Transportation Enhancements. Transportation enhancement projects help meet the mobility, health, and recreational needs of mid-life and older persons.

AARP supports the development of pedestrian and bicycle infrastructure as part of a balanced transportation system. Walking is the most common mode of travel for older persons after the private vehicle. Community design that promotes walking and bicy-

cling is highly valued by mid-life and older persons. In a recent AARP survey, 58 percent of persons age 45 and older rated having walking or bike trails nearby to be an important community characteristic. Sidewalks and paths designed for safe walking can help address the disproportionate safety risk experienced by older pedestrians. In 2001, persons age 70 and older were nine percent of the population, but accounted for 18 percent of all pedestrian fatalities.

AARP also seeks to encourage older Americans to be physically active because of the many health benefits exercise promotes, including helping to maintain independence in later years. Research has shown that persons living in communities with sidewalks are 28 percent more likely to be engaged in regular physical activity than those in communities without sidewalks.

We appreciate that the Subcommittee on Transportation, Treasury and Independent Agencies allocation for FY 2004 will require many difficult funding decisions. Nonetheless, we respectfully urge you to restore the 10 percent set aside from the Surface Transportation Program to fund Transportation Enhancements.

If you have any questions, please feel free to contact me or have your staff call Tim Gearan of our Federal Affairs staff at 202-434-3800.

Sincerely,

MICHAEL W. NAYLOR,
Director of Advocacy.

NATIONAL ASSOCIATION OF COUN-
TIES, NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,

September 3, 2003.

DEAR REPRESENTATIVE: On behalf of the nation's local elected officials, we urge you to support Representative Petri's amendment to fully restore dedicated funding for the Transportation Enhancements (TE) program, during consideration of the FY2004 Transportation and Treasury appropriations bill.

The Transportation Enhancements program has been very important to local governments by allowing them to undertake alternatives beyond the traditional highway construction projects. Over 17,000 local transportation projects have been initiated as part of the TE program, and the results have been significant, both in terms of increased mobility and the economic development generated by the construction of these facilities. TE projects have contributed to decreased congestion and improvements in air quality in our nation's cities and counties. Both ISTEA and TEA-21 were very specific concerning the Transportation Enhancements program set aside and local governments have been pleased to carry out the intent of Congress concerning this program over the past 12 years.

Thank you for your consideration in this matter.

Sincerely,

LARRY NAAKE,
Executive Director.
DONALD J. BORUT,
Executive Director.
TOM COCHRAN,
Executive Director.

TRANSPORTATION
ENHANCEMENTS COALITION,

Washington, DC, September 2, 2003.

Re Thursday, September 4 Vote—H.R. 2989.

DEAR MEMBER OF CONGRESS: On behalf of a broad partnership of national organizations, we are writing to urge your support for the restoration of dedicated funding for Transportation Enhancements (TE) during House

action on H.R. 2989, the FY04 transportation and treasury appropriations bill. Specifically, Section 114 of the committee-passed bill eliminates the funding set-aside for TE—a modest and very successful program established in the 1991 Federal surface transportation law. We respectfully ask you to support the bipartisan effort, led by Reps. Tom Petri, John Olver and others, that would strike Section 114 and restore the Enhancements program when H.R. 2989 is considered by the full House of Representatives.

Established in "ISTEA" and reauthorized with minor adjustments in "TEA-21," TE ensures that a small percentage of our Federal gas tax dollars are reserved for small-scale, community-initiated, locally selected transportation projects. TE is the largest source of Federal funding for pedestrian, bicycle and trail facilities. The program also beautifies our transportation corridors, rehabilitates train stations and other transportation assets, provides safe wildlife crossings, and protects our historic, scenic, and natural resources. We achieve all this for about one and a half cents per surface transportation dollar.

TE projects are essential—they have been shown to promote health, safety, economic development, tourism, energy conservation, and community pride, all within the context of our surface transportation system. Our Nation has benefited from over 17,000 local transportation projects, in every congressional district in the country. For countless communities, TE remains the most popular program of the Nation's surface transportation law.

The attached materials provide additional details on how TE has benefited your state and district: a pie chart summarizing how your State has divided its TE funds across the program's 12 eligible activities; a similar pie chart for the entire country; and a list of every TE project in your State, sorted by county.

In places large and small, Americans are working to address challenges such as growing traffic congestion, deteriorating air quality, loss of open space and an obesity epidemic among our youth. TE provides some of the solutions, and allows local communities the opportunity to make transportation investment decisions that will greatly enhance their quality of life.

The record of success in this program is clear and substantial—a small investment that produces considerable results. Please support the bipartisan effort to preserve the Transportation Enhancements program when H.R. 2989 is considered on the House floor.

Sincerely,

Marianne Fowler, Sr. Vice President of Programs, Rails-to-Trails Conservancy, *Co-chair*; Dan Costello, Senior Program Associate, National Trust for Historic Preservation, *Co-chair*; Bill Sawyer, Executive Director, Adventure Cycling Association; Martha Roskowski, Campaign Manager, America Bikes; Edward H. Able, Jr., President and CEO, American Association of Museums; Tobey Williamson, Federal Policy Program Manager, American Farmland Trust; Celina Montorfano, Director of Conservation Programs, American Hiking Society; Paul Farmer, Executive Director, American Planning Association; William W. Millar, President, American Public Transportation Association;

Cara Woodson Welch, Director, Government Affairs, American Society of Landscape Architects; Pam Gluck, Executive Director, American Trails; Robert L. Lynch, President and CEO, Americans for the Arts; Richard Olken,

Executive Director, Bikes Belong Coalition; Rich Stolz, Coordinator, Transportation Equity Network, Center for Community Change; Jacky Grimshaw, Vice President for Policy, Center for Neighborhood Technology; Dr. Margo Wootan, Director, Nutrition Policy, Center for Science in the Public Interest; Daniel Swartz, Executive Director, Children's Environmental Health Network; Jim Campi, Policy and Communications Director, Civil War Preservation Trust;

Robert Dewey, Vice President for Government Relations, Defenders of Wildlife; John Balbus, Director, Environmental Health, Environmental Defense; David Hirsch, Director, Economics for the Earth Program, Friends of the Earth; David M. Feehan, President, International Downtown Association; Kalinda Mathis, Executive Director, International Inline Skating Association; Tim Blumenthal, Executive Director, International Mountain Bicycling Association; Mele Williams, Director of Government Relations, League of American Bicyclists; Judy Corbett, Executive Director, Local Government Commission; Jonathan Katz, President, National Assembly of State Arts Agencies;

Patrick M. Libbey, Executive Director, National Association of County and City Health Officials; Ross Capon, Executive Director, National Association of Railroad Passengers; Michael W. Duplechain, Director, Government Relations, National Association of Service and Conservation Corps; Bill Wilkinson, Executive Director, National Center for Bicycling and Walking; Karen Silberman, Executive Director, National Coalition for Promoting Physical Activity; Nancy Schamu, Executive Director, National Conference of State Historic Preservation Officers; Laura Loomis, Director, Visitor Experience Program, National Parks Conservation Association; Barry Tindall, Director of Public Policy, National Recreation and Park Association; John Kostyack, Senior Legislative Counsel, National Wildlife Federation;

Deron Lovaas, Deputy Director of Smart Growth and Transportation, Natural Resources Defense Council; Susan West Montgomery, President, Preservation Action; Meg Maguire, President, Scenic America; Don Chen, Executive Director, Smart Growth America; Lynne Sebastian, President, Society for American Archaeology; Kevin McCarty, Senior Director of Federal Policy, Surface Transportation Policy Project; Randy Neufeld, Chair, Thunderhead Alliance; William S. Norman, President and CEO, Travel Industry Association of America; Allen Front, Sr. Vice President for Federal Affairs, Trust for Public Land.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise also in support of this bipartisan initiative and commend the gentleman from Wisconsin (Mr. PETRI) for offering it. He came personally, at the invitation of the gentleman from Texas (Mr. SMITH), to central Texas last December and saw firsthand a variety of our pressing transportation needs with highways and public transportation, but also had a chance to see the important role that

enhancement projects play in our community.

Unfortunately, there are some in this Congress, in the State transportation bureaucracies, and some of the trade associations and lobby groups who think if it is not asphalt or buying something to put asphalt on it is merely a transportation frill. In central Texas, we certainly know that this is not true. Transportation enhancement projects are, as the very name suggests, designed to enhance economic development and to enhance the quality of our lives. In our community, they have done both of those despite significant intransigence and disinterest by the Texas Department of Transportation, which has put one roadblock after another in front of our local enhancement proposals.

In Austin, Texas, for example, we have Plaza Saltillo, which would not exist were it not for enhancement funding.

□ 1515

Many of us will gather there soon for the Diez y Seis celebration. This has been an economic development magnet. It has had a multiplier effect for small Hispanic businesses in the area, and now we are seeing a number of developers, Hispanic and non-Hispanic, develop a wide range of residential housing in this transportation corridor. This enhancement project not only improves the quality of life for all in the neighborhoods who celebrate this important Hispanic holiday, but it has proven to be a key factor in the economic development of the East Austin community.

It is certainly true in terms of the quality of our cycling and pedestrian trails throughout central Texas. These trails enhance the quality of life. They have also become, thanks originally to the work of Lady Bird Johnson and now supplemented around Town Lake, the center of Austin where people are coming to host conferences, conventions, and business meetings. A real factor for many of our tech companies moving downtown is the fact that we have trails people can enjoy jogging and cycling on, and can bring their families to. Some of these trails, frankly, have become on the weekends, and at key times in the early morning and late afternoon, almost as congested as some of our highways.

We do not have enough of these projects to meet the needs of a growing community in terms of enhancing the quality of life or enhancing economic development, and we need more. We have had resistance at the State level already. If we turn it over entirely to the States, there will not be a dime coming to provide this key enhancement factor.

Looking at the data about transportation, there has been a significant amount of work on the revision of TEA-21 focusing on fairness and parity. The data suggests that about 7 percent of the trips made in this country are

not by car or public transportation, but by people on two wheels, on a bicycle, or walking. Yet, less than 1 percent of our transportation dollars are being committed to trail-type projects for cyclists and pedestrians. Now, that 1 percent will not be assured unless this Petri amendment is adopted. We know employers can provide parking spaces, and that many progressive employers are providing public transportation or metro passes. However, for cyclists these days the only incentive is strong legs and maybe a pat on the back. For a clean form of transportation, we need to maintain this bare minimum amount of funding under the enhancement program for cyclists to have a safe lane or trail to travel.

Our colleague from Oregon mentioned my constituent Lance Armstrong, and we were so pleased to honor him yesterday with a resolution. In his book he writes: "I've spent my life racing my bike, from the back roads of Austin, Texas to the Champs-Elysees, and I always figured if I died an untimely death, it would be because some rancher in his Dodge 4x4 rammed me head first into a ditch . . . Cyclists fight an ongoing war with guys in big trucks, and so many vehicles have hit me so many times, I've lost count . . . One minute you're pedaling along a highway, and the next minute you're face down in the dirt."

For Lance Armstrong, for the leadership of the Downtown Austin Alliance and many people who have communicated from central Texas, let us adopt the Petri amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of this amendment to strike section 114 from the fiscal year 2004 transportation appropriations bill, and I want to thank the gentleman from Wisconsin (Mr. PETRI), my committee leader, for offering it, along with the gentleman from Massachusetts (Mr. OLVER).

This is obesity USA right now. And in Texas along with obesity, we have air pollution; and I believe that the enhancements funding, although small compared to the highway funding, contributes in a major way to building a healthy, active and community-based society. In the Dallas-Fort Worth region, we see families and kids out riding, walking, skating on the Katy Trail every weekend and often during the week. We see people riding bicycles to the park and ride areas to get on the DART area transportation system. The types of trails build a sense of community. They promote physical fitness and increase property values.

Enhancements also promote safe ways for kids to get to school. Studies show many more kids want to ride or walk to school, but there is insufficient money to promote safe routes to school. And we see overwhelming obesity in our young people now which leads us to have to spend a great deal more money for health care later. If

transportation enhancement funds are cut, there will be virtually no incentives for States and communities to continue to create balanced integrated transportation systems. For more than 20 years through the transportation enhancement program, communities across the Nation have developed and implemented alternative forms of transportation that promote livability, connectivity, and a better quality of life. The vast majority of these projects are locally selected and are of tremendous value to the communities. We need substantial highway funding; but more importantly, we need a balanced transportation system.

I encourage my colleagues to support this amendment and restore funding for enhancements that contribute to a higher quality of life, personal health and livability in all of our communities.

Mr. CULBERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak in favor of the language in the bill and against the amendment. I point out to the Members that the Inspector General for the Department of Transportation, Kenneth Mead, testified to our Subcommittee on Transportation, Treasury and Independent Agencies appropriations that the highway trust fund has shown a decline in revenues of about \$18 billion less this year than projections that were made originally in April of 2001, and as a result of the declining revenue coming into the highway trust fund that highway and transit programs will see continuing constraints on their ability to improve mobility, safety, and economic growth unless taxes are raised, a greater portion of the financing burden is shared by State and local governments, or greater reliance is placed upon the general fund to supplement highway trust fund receipts.

I strongly support the gentleman from Oklahoma's (Chairman ISTOOK) language in this bill because this simply allows Texans to run Texas. Governor George W. Bush, when he ran for Governor originally, I had the privilege of serving longer under Governor Bush than any other Governor I served under in the 14 years I served in the Texas legislature, and Governor Bush was elected Governor of Texas to let Texans run Texas. The language in the bill simply allows each State to choose on their own how to spend that revenue. The Nation today faces an ever-growing national debt that has now exceeded \$7 trillion, which is absolutely inexcusable. We must pay it off. We face a growing national Federal deficit that we must balance. We simply must balance our Federal budget. I strongly support the gentleman from Oklahoma's (Chairman ISTOOK) constitutional amendment to require a balanced budget.

In light of our deficits at the State and local level, in light of deficits at the Federal level, in light of a declin-

ing highway trust fund, I think it is only prudent to give the States the option to choose how they will spend this 10 percent of these highway trust funds on hike and bike trails, as they may choose to do in the State of Oregon; or some other State may choose to decide to take some of that 10 percent and invest more of it into any other type of transportation project that they believe will help move people and reduce travel time and reduce congestion.

The bottom line is, I think, Mr. Chairman, this language that is in the bill will allow every State to make those decisions on their own through their State legislatures, through their State highway commissions. I think that the genius of our system of government is that it is built around the concept of letting each State make local decisions on their own, and this language in the bill does that. I strongly urge Members to vote against the amendment and support the gentleman from Oklahoma (Chairman ISTOOK) in voting "no" on the amendment and allowing Texans to run Texas and each State to make these decisions on their own.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Chairman, today I rise in strong support of the amendment offered by the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Massachusetts (Mr. OLVER) to restore guaranteed funding for the transportation enhancements program. With over 15,000 projects receiving funding nationwide, it is very clear that the benefits of this program have not been confined to any one district, State, or region. These projects are very critical in establishing and in maintaining livable communities.

In my district alone the transportation enhancements program has funded nearly 30 projects over the last 12 years at a cost of about \$22.5 million, and these projects have provided a very big improvement to the quality of life for many of my constituents and the residents of the Bay Area as a whole, not to mention the thousands of tourists who come through our region every month. The program has funded projects ranging for something as simple as a bike locker at local BART stations to pedestrian and streetscape improvements throughout Berkeley, Oakland, San Leandro, and Fruitvale, to construction of the Oakland section of the very ambitious 400-mile San Francisco Bay Trail project that links 47 cities and nine Bay Area counties together.

Other projects include the acquisition of scenic shoreline in Oakland for beautification and recreational purposes, the berthing and preservation of several historic ships, the construction and upgrade of the Berkeley train stop, the construction of bicycle underpasses along the very busy I-80 freeway, as

well as a number of other landscaping and beautification projects throughout my district.

Mr. Chairman, our constituents really value each and every one of these projects, not only in my district but throughout our country, as I mentioned earlier, which the transportation enhancement program has really helped to pay for. And let me tell the Members that ever since word got out that this House was considering removing the dedicated funding for this program, I do not think that a day has gone by where I have not received a phone call, e-mail, fax, or letter from constituents which criticize this move. So we must make this bill right. We must pass this amendment so that we can continue to fund the construction of pedestrian and bicycle facilities, Rail to Trail conversions, the acquisition and preservation of historic land, and a host of other projects that have all contributed to the quality of life in our neighborhoods and really for the increased safety which people so deserve.

Once again, as I said earlier, these projects are so critical in establishing livable communities.

Mr. RADANOVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Petri-Olver amendment which would strike language in this bill that eliminates dedicated funding for transportation enhancements. Transportation enhancement funds may be used for fundamental economic development in tourist-dependent communities, to ensure preservation of vital historic resources. These resources then become a draw to the visiting public. While many enhancement projects are small in size, they achieve enormous benefits in terms of promoting economic growth and development and developing historic tourism. The President has initiated a program called Preserve America to encourage historic tourism. This program is dependent on transportation enhancement funds.

The Advisory Council on Historic Preservation, headed by my good friend John Nau from Texas, has advised that we restore these funds in order to ensure the goals of Preserve America. A "yes" vote on the Petri-Olver amendment would help us do just that. So we are looking to preserve America.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I rise in support of the Petri-Olver amendment. We are here today to discuss one of the cornerstones of ISTEA and TEA-21 of our current transportation program, a cornerstone that our current Secretary of Transportation not only supports, the administration supports it, the bill to extend the life of TEA-21, but our current Secretary of Transpor-

tation was chair of the Surface Transportation Subcommittee in 1991 when we fashioned the enhancements provisions of ISTEA. And what we did in 1991 was landmark legislation. We had come to the end of the interstate era, and now the debate focused on the future of transportation in America.

□ 1530

What would be the face of transportation in the post-interstate era? How would we best invest our dollars?

We assessed the quality of transportation and the quality of life in America in a long series of hearings, some of which I conducted as Chair of the Oversight Investigations Committee, as Chairman Mineta did in the surface subcommittee, as the gentleman from Wisconsin participated in, now the Chair of that subcommittee. And what we found was that Americans wanted more out of their transportation experience than simply getting from point A to point B. They wanted to use the interstate system to get to their destination, but then to enjoy a quality of life, to enjoy more of America's historic, archeological, cultural and scenic treasures, and the way to do that was to open a new vista within our transportation program, to use some of their dollars that those very travelers and visitors have invested in the Highway Trust Fund to improve and enhance the quality of life, projects that would initiate from the community, from the grassroots up, projects that had been proposed and undertaken, but frustrated because the dollars were not there to do them over a period of the previous series of transportation programs.

But those are highway programs. What we fashioned was a transportation concept; not only highways and not only bridges, but transportation. Part of that transportation experience is scenic America, the quality of life, the issues the gentleman from Illinois spoke about, of jogging and hiking, and bicycling, as the gentleman from Oregon spoke to, and things that I enjoy as a cyclist.

But those issues come from the people. The choice of how to invest those transportation dollars come from the people themselves, from all throughout America. And you can see the upwelling of spirit that has followed the issuance of this transportation appropriations bill, when the enhancements community, a wide spectrum of Americans, rose up and said, please, do not make this change.

There is a compact here between the citizens of America, between the people who use our highways, our transit ways, our enhancement ways, and our Federal Government and the States. State governments now have opted into this program. They have become partners. Citizens have taken control of their destiny and the quality of life that they want to see in America. Enhancement programs makes that possible.

We can cite the thousands of projects, but what really counts is those decisions that were made in each and every community to take a piece of that Highway Trust Fund and invest it in the future of America, in the quality of life in America, to enhance the life of those who come after us. And that is what enhancements does. That is what this program does. It is a citizens' bottoms-up investment in the quality of life of our transportation program.

It is not enough just to roll over the highways and roll over the bridges. It is more important to enhance the life of every community in America, and that is what the enhancements program has given us the opportunity to do.

Without the set-aside, it would not have happened. In the 20 years before ISTEA we invested only \$40 million in building bicycle facilities across America. Since then we have invested \$3.8 billion and enhanced the quality of life in America. Pass the Petri amendment.

Mr. Chairman, I rise in support of the Petri/Olver amendment to strike Section 114 from the bill.

Section 114 is nothing more than a backdoor attempt to kill the Transportation Enhancements Program initiated in 1991 under ISTEA and continued in 1998 under TEA 21. This boldfaced attempt to kill one of the most popular Department of Transportation programs ever enacted is reckless and misguided, and should be soundly defeated.

Section 114 would eliminate the mandatory requirement that each State use up to 10 percent of its Surface Transportation Program funding for the Transportation Enhancement program. Under existing law, States must use that 10 percent of STP funds for alternative transportation projects such as bike and pedestrian trails, streetscape renovations, rail-to-rail conversions, and other surface transportation-related activities that contribute to the revitalization of communities and local and regional economies.

Continuation of the existing Transportation Enhancements Program, as enacted in ISTEA and continued in TEA 21, is supported by more than 70 national organizations that make up the Transportation Enhancements Coalition. These include: The American Association of State Highway and Transportation Officials; National League of Cities; U.S. Conference of Mayors, Institute of Transportation Engineers; League of American Bicyclists; Rails to Trails Conservancy; and a wide variety of other environmental, preservation and recreational organizations.

Transportation, like all human activity, affects our communities and the environment. The Transportation Enhancements Program enables us to balance transportation improvements with the need to protect the environment and the character of our communities.

Although Section 114 does not make enhancements ineligible for funding, it removes the requirement that 10 percent of STP funds must be used for these purposes. It is clear that without the set-aside, many State Highway Departments would shift money now going to enhancements to larger traditional projects.

Before a set-aside was established in ISTEA in 1991, enhancements were eligible

for funding, but States did not fund them. In the 20 years before 1991, only \$40 million was spent on bicycle and pedestrian projects. From 1991 through 2002, however, with the set-aside in place, over \$2.2 billion was spent on bicycle and pedestrian projects, with 75 percent of the funds coming from the Transportation Enhancements Program. The total amount of funds for bicycle and pedestrian projects jumps to \$3.8 billion for 8,526 projects nationwide when projects in the pipeline, as well as completed projects, are included in the totals. For all types of transportation enhancement projects nationwide, the grand total programmed since 1991 is an impressive \$8.4 billion for 17,920 projects, less than \$500,000 per project nationwide. Clearly, these kinds of results could not have been achieved in the absence of a dedicated Transportation Enhancements Program.

The enhancement program requires less than 2 percent of the entire program for surface transportation. This is a modest amount to spend on these projects, which bring substantial transportation benefits and are supported by a wide constituency.

Any Member who doubts the importance of the Transportation Enhancements Program need only look at the projects completed in his or her congressional district. If Section 114 is enacted, future enhancement projects in your congressional district will clearly be placed at risk. None of us should take that risk. I urge Members to vote for the Petri/Olver amendment to strike Section 114.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Petri-Olver amendment, which would restore the set-aside for the transportation enhancements program.

Passed over a decade ago, when Congress recognized a serious shortcoming in the Nation's transportation system, the Transportation Enhancements program has ensured consistent funding for pedestrian- and bicycle-friendly transportation projects. Large Federal highway budgets over the past several decades were instrumental in creating an integrated transportation network. The absence of serious intercity transportation alternatives, however, increased reliance on cars, resulting in gridlock, longer travel times, additional pollution, and reduced quality of life. Federal transportation planners' preoccupation with interstate highway construction and seeming neglect of local challenges frustrated many mayors, especially in my area.

This is why the Transportation Enhancements program, which guaranteed a portion of Federal highway aid would go to multi-use paths, sidewalks, and bicycle lanes, is so important, and why the decision to eliminate the guaranteed funding component of this program in this year's transportation appropriations bill disappointed transportation analysts, environmental and public health advocates, and state and local leaders.

New York needs this funding. Although the State has spent \$300 million on transportation enhancements since 1991, many of its needs remain unmet. Indeed, New York could afford to fund less than 30 percent of proposals received in the past 3 years, ultimately opting to use other Surface Transportation Program funds to pay for projects.

My own constituents are especially worried. Since the creation of the Transportation Enhancements program, over \$13 million has flowed to municipalities in my district to con-

struct river paths, renovate town parks, refurbish scenic promenades, preserve historic sites, and improve pedestrian safety. Between 2001 and 2003, only 16 percent of the 74 eligible mid-Hudson projects received funding, a testament to both the program's popularity and current funding constraints.

The benefits of the program are many and well known, but I would like to mention a few:

(1) Quality-of-life. Over the past several decades, the car has become the preferred method of movement, even for short distances. The resulting congestion has made everything from commuting to work to picking up groceries, genuine headaches. Multi-lane arterials now zig-zag through formerly quiet neighborhoods, exposing residents to noise pollution and threatening our children's safety. By financing construction of bicycle and pedestrian paths, the Transportation Enhancements program has provided individuals with serious transportation alternatives that can cut traffic, reduce accidents with cyclists and pedestrians, protect green spaces and create truly livable communities.

(2) Environment. Our reliance on cars, which produce acid rain and smog-forming chemicals, has harmed our environment and needlessly compromised public health. Transportation is responsible for 50 percent of all the air emissions that cause smog, which decreases lung capacity and triggers asthma attacks. Over one million New Yorkers have asthma and over 14 million State residents live in areas where smog levels exceed the Federal Government's health standard. Full funding of the Transportation Enhancements program would help to bring into compliance the many New York metro areas that fail to meet ozone standards.

(3) Obesity. Finally, the Centers for Disease Control recently identified obesity, particularly among children, as a top national health risk. The absence of walking and bicycling opportunities has played a major role in sky-rocketing obesity rates, which, according to the CDC, equal or exceed 20 percent in 30 states. Obesity, which can lead to heart disease, high blood pressure, and stroke, not only carries a tremendous health toll but also steep economic consequences. In 2001, indirect and direct economic costs were estimated at \$117 billion. So, it is vital that opportunities to walk and bicycle grow rather than diminish. Restoring the funding guarantee for the Transportation Enhancements program is critical to making this happen.

Once again, I appreciate Congressman OLVER and Congressman PETRI's leadership on this issue and encourage my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. PETRI) will be postponed.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California:

Under the heading "Office of the Secretary, Salaries and Expenses," strike "not to exceed \$225,000 shall be available for the Office of Intelligence and Security" and insert "not to exceed \$2,000,000 shall be available for the Office of Intelligence and Security" and under the heading "Office of the Chief Information Officer," strike "\$16,565,000" and insert, "14,565,000".

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, the amendment at the desk is an amendment that comes from the Secretary, Mr. Mineta. He essentially is urging the House to move a \$2 million amount from the administrative funds to that piece of the work done in the Department of Transportation that involves intelligence and security matters.

There is willingness to accept this amendment on the part of the majority, as I understand it, and the minority. I will take no more of our time if that is the case.

Mr. ISTOOK. Mr. Chairman, if the gentleman will yield, I am willing to accept the amendment.

Mr. OLVER. Mr. Chairman, if the gentleman will yield, I am happy to accept the amendment as well.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. LOBIONDO:

Page 10, line 8, after the first dollar amount, insert the following: "(reduced by \$2,000,000) (increased by \$2,000,000)".

Mr. LOBIONDO. Mr. Chairman, I rise today to offer this amendment to increase funding for the Federal Aviation Administration William J. Hughes Technical Center located in Pomona, New Jersey. I understand that the committee chairman, the gentleman from Oklahoma (Mr. ISTOOK) is prepared to accept the amendment. I would like to see if that is still the case.

Mr. ISTOOK. Mr. Chairman will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I am willing to accept the amendment.

Mr. LOBIONDO. Mr. Chairman, reclaiming my time, I would like to thank the chairman very much. The Tech Center engages in matters of

aviation safety and security that impact the entire system.

Mr. Chairman, I had a second amendment that I had planned to offer today which I will not be offering. This second amendment would have restored funding for research and development. I have had conversations with the chairman about this. I know that there are tremendous pressures from the Aviation Trust Fund downturn as far as how these dollars would be distributed, but I would like to ask the chairman to please do everything he can in conference. This affects the Oklahoma Technical Center as well as the one in Pomona, New Jersey. These are dollars which would go to aviation safety and security.

Mr. Chairman, I hope the gentleman will work to help restore those dollars in conference.

Mr. ISTOOK. Mr. Chairman, if the gentleman will yield further, we will certainly work together in conference to do everything that it is possible to do within the funds available.

Mr. LOBIONDO. Mr. Chairman, reclaiming my time, I thank the chairman very much.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. WATERS:

Page 15, after line 13, insert the following:
SEC. 108. (a) REVIEW.—The Secretary of Homeland Security shall conduct a review of the proposed project for construction of a remote passenger check-in facility at Los Angeles International Airport to determine whether the project as designed will protect the safety and security of air passengers and the general public.

(b) REPORT.—Upon completion of the review, the Secretary shall transmit to Congress and the Administrator of the Federal Aviation Administration a report containing the results of the review.

(c) PROHIBITION.—The Administrator shall not allow construction of the proposed project until such time, if any, as the Secretary has completed the review and determined that the proposed project as designed will protect the safety and security of air passengers and the general public and will offer greater protection than is currently available at the existing facilities of Los Angeles International Airport.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order against the amendment.

Ms. WATERS. Mr. Chairman, Los Angeles International Airport, which is located in my congressional district, is the third largest airport in the United States, with capacity to serve 78 million air passengers per year. The operator of LAX has proposed a rather controversial airport modernization project that would include the construction of a remote passenger check-

in facility. The details of this proposal and the environmental impact report were released on July 9, 2003, and are now open for public comment. There is a strong coalition in the district opposed to this plan.

Supporters of the proposed project to construct a remote passenger check-in facility claim that the facility is necessary to improve the safety and security of LAX, and, they claim, to prevent terrorist attacks at LAX. However, it is even more likely that the concentration of passengers in a remote passenger check-in facility could actually reduce the safety and security of LAX.

The Rand Corporation conducted a security study of the proposed remote passenger check-in facility which was released May 14, 2003. The study concluded that the proposed project would not significantly improve the security of LAX. The study also suggested that concentrating passengers in the remote passenger check-in facility would make this facility the likely target of a terrorist attack. The study even suggested that concentrating passengers in a remote passenger check-in facility would exacerbate the effects of such an attack.

Mr. Chairman, this idea is not only opposed by many of the homeowner groups in the area, it is basically opposed by the coalition throughout southern California who is trying to get LAX to move to a regional response to passenger increase. The Rand study did conclude that limiting the capacity of the airport would reduce the overall vulnerability of LAX to terrorist attacks. However, this could be accomplished by maintaining LAX at its existing capacity with no additional airport construction projects.

My amendment would require the Secretary of Homeland Security to review the proposed project to construct a remote passenger check-in facility at LAX to determine whether the project, as designed, will protect the safety and security of air passengers and the general public. The amendment would also prohibit the construction of this project until such time as the Secretary of Homeland Security has completed the review and determined that the project will improve protection of the safety and security of air passengers and the general public.

We cannot afford to experiment with the safety and security of the American people.

Mr. Chairman, we have gone through 9/11 and we have created Homeland Security, and it seems to me that Homeland Security cannot be excluded from the review of these so-called expansion projects or reconfiguration projects, whatever name they come under, in the many airports in this country, if in fact we are concerned about the security of airports, and I know that we are, and I am certainly concerned about LAX. It has been said more than once that LAX is a target and that it is at risk.

We should not allow politicians to expand airports, to create construction projects. We should not allow politicians to do this without the benefit of the kind of review that will go even beyond what FAA has been doing in the past and would include the considerations of Homeland Security. Why did we develop a whole Department on Homeland Security if we cannot include in it the review of these proposed projects for reconfiguration and expansion by elected officials and politicians in all of these local areas?

I know that my colleague on the other side of the aisle has reserved a point of order, and I respect that; but I would just ask my colleagues to find some way to work with me, to take a look at these kinds of expansion or reconfiguration projects. Mine may be the one that is being brought to you today, but this is going to happen all over the country. What are these local city councils, what are the mayors, what are the Governors, what are they doing? Are they expanding construction in the name of politics, looking towards the next election, or do we have really security factors built in to these kinds of projects? I would ask you to find a way to work with me on this.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. ISTOOK. Mr. Chairman, first, of course, the amendment is not germane to the bill. It relates to the Secretary of Homeland Security, which is not within the jurisdiction of this legislation.

Further, the amendment proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI, which states in pertinent part that an amendment to a general appropriation bill shall not be in order if changing existing law. This amendment gives affirmative direction, in effect, and I ask for a ruling from the Chair accordingly.

□ 1545

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment directly amends existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 25 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. TANCREDO:

Page 17, line 16, after the dollar amount, insert the following: “(increased by \$320,000,000)”.

Page 39, line 1, after the dollar amount, insert the following: "(reduced by \$320,000,000)".

Page 39, line 2, after the dollar amount, insert the following: "(reduced by \$120,000,000)".

Page 39, line 3, after the dollar amount, insert the following: "(reduced by \$100,000,000)".

Page 39, line 5, after the dollar amount, insert the following: "(reduced by \$100,000,000)".

Mr. TANCREDO. Mr. Chairman, my amendment would transfer \$320 million from Amtrak to the Federal Aid Highway Program, reducing Amtrak's total appropriation to \$580 million for this year. This amount, by the way, is the original amount that the Transportation Appropriations bill called for prior to the adoption of an amendment in full committee.

Mr. Chairman, Amtrak has posted staggering losses in recent years, despite their continued promises to become self-sufficient. Time and time again, however, those promises have been broken as Amtrak continues to hemorrhage money and continues to come back to this body with outstretched hands.

Ironically, Mr. Chairman, Amtrak was originally established in 1971 as a, believe it or not, for-profit corporation by Congress. Over the last 30 years though, Amtrak has never once turned a profit. It has, however, racked up nearly \$30 billion in operating losses and even managed to receive a \$2 billion tax credit in 1997. That is despite the fact that the rail provider has never paid a penny in income tax.

Now, some of my friends who oppose this amendment will tell you that the service provided by this inefficient monopoly is invaluable to the traveling public, but the statistics do not bear that out. According to the American Association of State Highway and Transportation Officials, for example, the percentage of Americans who walk to work every day is roughly equal to the number that ride the train, about 5 percent.

In light of these statistics, one wonders as one political commentator noted, if it makes as much sense for Congress to subsidize Nike sneakers as it does for them to subsidize rail service.

Subsidies on some of the longest routes are so high, reaching about \$250 per passenger in some cases, that many times it would actually be cheaper for the Federal Government to purchase plane tickets for passengers than to subsidize the purchase of their train ticket.

Not surprisingly, Amtrak is back again asking Congress to bail them out with yet one more \$1 billion appropriation. And this is after the beleaguered rail carrier promised Congress financial solvency just a short time ago.

Mr. Chairman, the unhealthy relationship between Amtrak and the Congress has become a seemingly endless cycle of empty promises and bottomless government subsidies. This has to

come to an end sometime. We must shut off the spigot of Federal funds and require the States, communities and organizations that purport to need Amtrak services, to foot a larger share of the bill.

Remember also that during the chairman's opening remarks and then subsequently through several responses, he has had two amendments that have been offered, he has reiterated the need for more funding for our highways. In fact, I think the figure he last used was a \$400 billion deficit. We are \$400 billion shy of what we need to maintain our highway systems and our bridges, \$400 billion dollars. Now, I suggest that this is a relatively easy decision for Members to make. What is more important to their constituents?

Now, I recognize fully well that many Members here have worked for a long time to bring home a chunk of money to their constituents to keep this rail service subsidized, and I can say to them they have done a wonderful job, \$30 billion over 20 years. They have brought home plenty of pork. It is not a matter that we should be worried about whether or not more is necessary. I think they can be proud of the fact that they have been able to do as well as they have done over the last 20 years, but really this has to come to a stop. And when we have such pressing needs as the chairman has laid out for us in the area of highways and road construction and bridge repair, it seems to me to be a fairly easy decision for us to make, to transfer the amount of money, the \$320 million from Amtrak to Federal aid for highways.

Again, I want to reiterate the fact that what we are doing here is simply taking the appropriation down to the same level that the Committee on Appropriations, that the Transportation Appropriations bill called for originally, and then it got plussed up when it got to the full committee. But I think that the original amount was being very generous to this entity, to Amtrak, a private corporation, after all, that has simply had never had the ability to live up to the promises that have been made.

We are in tight financial times. There are not dollars flowing into the coffers of the government that can be distributed so liberally. So I ask when that time occurs to make a decision about what is more needy, vote for your highways and bridges and not for the Amtrak subsidy. I ask for an "aye" vote on the amendment.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I want to speak against that amendment, and I want to begin by thanking the gentleman from New York (Mr. QUINN) and the other 220 Members of the House of Representatives that sent a letter to the Committee on Appropriations seeking full funding for Amtrak. But the Republican leadership and this Bush administration do not care what we,

the people, think. Just like the reauthorization of TEA-21, which would improve our crumbling transportation infrastructure and put millions of people back to work, the issue concerning Amtrak brings up a fundamental question as to where this Nation stands on public transportation.

We have an opportunity to improve a system that serves our need for passenger rail service, or we can let it fall apart and leave this country's travelers and business with absolutely no alternative forms of public transportation.

We could fund this Nation's entire passenger rail system for a year with the money that we spend in just one week in Iraq. Let me repeat that. We could fund this Nation's entire passenger rail system for a year with the money we spend in just one week in Iraq. But I guess the House leadership and the Republican administration have decided it is more important to fund the needs of the Iraqi people than the citizens right here in America. We continue to subsidize highways and aviation, but when it comes to our passenger rail system, we refuse to provide the money Amtrak needs to survive.

Last year alone, we provided \$18 billion in direct funding to the airline industry. Let me repeat that. Last year alone, we provided \$18 billion in direct funding to the airline industry.

On November 12, 2001, I was in New York when American Airlines flight 587 crashed shortly after taking off from JFK Airport, creating a national panic and shutting down the entire city. Fortunately for me and many Members of Congress who ended up at Penn Station that day, Amtrak was still running and returned us safely to Washington to deal with this latest tragedy. I realized, once again, just how important Amtrak is to the American people and how important it is for this Nation to have alternative modes of transportation.

This issue is bigger than just transportation. This is about safety and national security. Not only should we be giving Amtrak the money it needs to continue to provide services, we should be providing security money to upgrade their tracks and improve safety and security measures in the entire rail system.

Some people think the solution to the problem is to privatize the system. If we privatize, we would see the same thing we saw when we deregulated the airlines. Only the lucrative routes will be maintained, and routes in rural locations will be expensive and few.

Once again, we see the Bush administration's "too little too late policy." I am surprised they have not suggested a tax cut to solve this problem. Instead, they are trying to take the money from the hard working Amtrak employees, who day and night work to provide top quality service to their passengers. These folks are trying to make a living for their families, and they do not deserve the shabby treatment from the President. It is time for

the Bush administration to step up to the plate and make a decision about Amtrak based on what is best for the traveling public and not what is best for the right wing of the Republican party and the bean counters at OMB.

This is not about fiscal policy. This is about providing a safe and reliable public transportation system that the citizens of this Nation need and deserve. Let us stop this crisis now before it is too late.

Mr. QUINN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to belabor the point here or take extended amounts of time, but I feel compelled to rise and respond to my friend from Colorado in this amendment because in just two speakers, after the gentleman from Florida (Mr. HASTINGS), I will be offering an amendment to increase the aid for Amtrak.

While we have an opportunity to discuss this, I would like to point out that when we talk about money for rail passenger systems in this country, many of us do not consider that to be pork, no matter what kind of money we have brought back, to what kind of district, for what kind of rail transportation, we do not consider that pork. When people depend on that to get to work, to get to where they need to be, how much money over any number of years is not considered pork to many of us? So I need to disagree with the gentleman from Colorado (Mr. TANCREDO) a little bit.

I think we have given Amtrak, I have said this so many times, just enough money each year to make certain it fails, so that friends like the gentleman and others want to know why it does not work, because we have not funded it properly. The new president, David Gunn, has made significant changes at Amtrak. He has talked with us on the Subcommittee on Railroads. He has talked with the chairman of the subcommittee for Appropriations, and I think it would be in our best interest not to take money away but to give Mr. Gunn and others the tools they need to get the job done correctly.

So I respectfully will oppose the gentleman's amendment, and in a few short minutes offer an amendment to increase the funding.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment that has been offered because this is ground that we have already been over. The bill that is before us provides \$900 million for fiscal 2004 for Amtrak, and that, it turns out, is exactly what the President had recommended for Amtrak for fiscal year 2004.

In fact, we are covering old ground because this was settled at an earlier point. The Transportation Subcommittee had in fact made a recommendation to full committee for the number which the gentleman from Colorado (Mr. TANCREDO) has asked for. And it was one of those provisions that

was changed in order to bring it to the full Committee on Appropriations in order to have enough votes to get that bill out of the full Committee on Appropriations to bring it back to the \$900 million level that the President had asked for. In fact, I should remind Members that 220 Members of the House of Representatives had petitioned the Committee on Appropriations asking that the full funding requested by Amtrak should be provided for Amtrak and that was double what is already here.

So this is replotting the old ground that we in the Committee on Appropriations had to go through to bring this bill to the floor in the first place and would be reversing that movement. I think that is distinctly a wrong thing to do. Let me also point out that in regard to the \$900 million appropriation which is included in the bill before us, and I am interested in the comment that my good friend, the gentleman from New York (Mr. QUINN) stated, the chairman of the Subcommittee on Railroads of the Committee on Transportation and Infrastructure has made about providing Amtrak just enough so that it would fail, when Ken Mead, the Department of Transportation's Inspector General was asked by me as to what would be the result of the appropriations of \$900 million, and I intend to support the idea of increasing that appropriation farther down the road, but he sent a letter back to me, and I will quote from that letter. He sent a letter on July 10 in response to those questions about the impact of various funding levels. In regard to the \$900 million level which the gentleman from Colorado's (Mr. TANCREDO) amendment would reduce substantially, he said, "Because there would not be any funds remaining for other capital investments, operational reliability likely would suffer. None of the backlog of capital needs could be addressed at that funding level."

□ 1600

So that puts us a step backward on the process of funding Amtrak at a level that would allow it to continue and continue safely as a provider of passenger rail service for this Nation. So I would urge Members to oppose this amendment by the gentleman from Colorado (Mr. TANCREDO).

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too oppose this amendment, and I concur with those speakers who have spoken to that, and I will certainly support the amendment of the distinguished gentleman from New York State (Mr. QUINN).

We have really in this country the time has come to start looking at our transportation systems. If we look at our airlines, if we look at our airports and the entire air systems, if we look at our roads, if we look at our ports, we are going to find that America is at least competitive, if not ahead, of

every other single country in the world. If we look at our rail systems in the United States of America, we will find we are behind almost every highly civilized country in the world, the European countries, Japan and a lot of others.

We have for years and years and years not funded rail to the extent that it is needed, and it is true that we fund it and it is true that it is so-called subsidized, but the bottom line is that we are dealing with tunnels going into Baltimore, built right after the Civil War, into New York City, or most close to that, and we are simply not making the improvements we have to make to get the speeds up to attract the ridership.

In spite of that, we have more people riding the rails now from New York City to Washington than are taking airlines from New York City to Washington. We pour tremendous money into our other infrastructure and into the upkeep costs of other forms of transportation.

Look at the air industry, for example. We pay, often locally and by States, we pay for the airports, a huge expense which is out there, and the FAA, we pay for the comptrollers. The Transportation Security Agency primarily is aimed at that. It cost billions of dollars to do all these things, much more than we are trying to put into rail, far more than we have ever put into rail before.

The infrastructure is absolutely needed. Obviously we put a lot of money into the concrete of our roads. We do get a return as far as gas money is concerned. I drive from Wilmington, Delaware to here from time to time. It is incredible how crowded those roads are, but it is also incredible to see how crowded the trains are and how we could use more trains.

So I will be the first to agree there need to be more efficiencies.

I would just say this to my good friend, the gentleman from Colorado. I hope he will talk to David Gunn. I do not know if he talked to him or not. He is the new CEO, relatively new, in the last couple of years at Amtrak. He really has some good ideas. He really has some good strategies in terms of how to make Amtrak, and I am not going to call it profitable because I am not sure that is right, but to reduce the subsidies which are necessary to provide this very important form of transportation for at least portions of the United States of America, obviously the eastern seaboard, the region around Los Angeles and around Chicago and various other areas. I am not suggesting we need to go across the country and go for 4 days, whatever it may be, but the bottom line is this is an extraordinarily important mode of transportation, and I think we need to sit down and recognize that and do all that we can.

I implore the White House, this committee, the Senate and everybody to try to do this. The Senate has spoken

to this, at least to a degree. They have raised their amount in subcommittee which is looking at it to \$1.34 billion; 218 Members, that is a majority of this House, have signed a letter requesting the \$1.8 billion. There are many people who recognize what we have to do.

I am, like everybody else, if there is fat there, sure, we want to squeeze that out and we want an efficient system, but we need a good rail system in America, and we cannot continue to underfund it so badly that we cannot make the capital improvements and do the other things which are necessary to keep it up. So I implore all of us to do this.

I do not know where these amendments are going, but obviously at some point this is going to be in conference, and very important decisions are going to be made about the future of rail in America, and I hope when that happens that we put together a good plan that really works, we listen to Mr. QUINN and others who are vitally interested in that.

I would encourage the defeat of the amendment. I would encourage support of the Quinn amendment, and hopefully when we get to conference we will really get the job done on rail in the United States of America.

Mr. SWEENEY. Mr. Chairman, I move to strike the requisite number of words.

I thank the chairman for recognizing me and want to rise in opposition to my good friend and classmate the gentleman from Colorado's (Mr. TANCREDO) amendment and preemptively rise in support of my other good friend and State mate the gentleman from New York's (Mr. QUINN) amendment that he will offer later on restoring full funding to the Amtrak system.

In doing so, I want to point out that we have had this debate in Congress for a decade at least, that it is almost unreasonable to expect that this transportation appropriation bill is going to be the bill, the vehicle in which we are going to be able to solve the many problems that we have in Amtrak; but in doing so, I want to recognize the diligence of my chairman, the gentleman from Oklahoma (Mr. ISTOOK) who worked and strove diligently throughout this process. As we marked up the bill in the subcommittee, the ranking member, the gentleman from Massachusetts (Mr. OLVER), pointed out that a number of us voted to support this bill so we could push it along the process and get it into the full committee and now on to the floor to talk about the intricacies and the many problems facing Amtrak today.

I support the notion that we restored to \$900 million a portion of the White House's recommended portion of the funding but recognize that we are woefully short and recognize that this is a vital national interest with which we must soon address its needs, and in failing to do so, we further put at risk the viability of a system that, as was pointed out by a speaker before, served

us ably and importantly and critically at a time when the airline industry could not. It has served us in the past when other means of transportation could not.

I want to go to the core of the Amtrak question, and that is the northeast corridor, and say simply that it faces imminent threat in terms of its reliability and utility, because as the gentleman from New York (Mr. QUINN) points out, I believe this Congress has undertaken a methodology in which we simply ensure its failure rather than its success if we continue to defer investment, and we risk losing service between Boston and Washington, which is at the hub of that core of service, if any service disruptions in Amtrak are experienced.

The northeast corridor is critical to our Nation and it is the heaviest traveled railroad in North America. It is not a simple luxury for many people. In fact, 1,700 trains operate over some portion of the Washington-to-Boston route each day in this Nation, providing people the opportunity to work, providing people the opportunity to carry on the business of this Nation and go to the places they need to go.

As the gentleman from Delaware (Mr. CASTLE) pointed out, the northeast corridor carries more from New York to Washington each day than both airlines in providing their shuttle service, combined, do. Pretty critical service that it provides. It carries more than 35,000 people a day, the entire corridor, and the Northeast is the only area in which Amtrak runs trains and owns tracks and I think provides us the greatest opportunity to build from within that railroad's experience.

As it relates to the notion that this is somehow pork, I want to point out to my good friend and others that this Congress has not been hesitant to subsidize private entities like airlines, has not been hesitant, as the gentleman from Delaware (Mr. CASTLE) pointed out, to provide other infrastructure subsidies throughout the system, and that to decide arbitrarily or subjectively that while Amtrak may not serve portions of the Nation, it is therefore not in the national interest, is simply wrong.

I want to again thank my friend, the gentleman from New York (Mr. QUINN), and involve my support for his amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HASTINGS of Florida:

Page 5, line 21, after "\$45,000,000" insert "(decreased by \$45,000,000)".

Page 68, line 11, after "\$1,628,739,000" insert "(decreased by \$165,000,000)".

Page 91, line 1, after "\$495,000,000" insert "(increased by \$232,000,000)".

Page 108, line 23, after "\$35,914,000" insert "(decreased by \$22,000,000)".

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to offer an amendment to H.R. 2989. This amendment increases the amount of funding provided in this bill for election reform.

When the 107th Congress overwhelmingly passed the Help America Vote Act, it made a commitment to the American public that we would restore reliability to America's elections system. Last year, Congress grossly underfunded its authorized commitment. Again, today, we are considering a bill that provides less than 50 percent of the amount authorized. The Help America Vote Act authorized more than \$1 billion in funding for fiscal year 2004. Yet this bill appropriates only \$500 million.

In less than 6 months, Mr. Chairman, Americans will begin traveling to the polls to vote in the Presidential primaries. The unfortunate reality is that they will be returning, in many respects, to the same system that failed them in many respects 3 years ago, simply because Congress has not followed through with its financial commitment to States, counties, and local governments.

The amendment I am offering today increases funding in the bill for the implementation of the Help America Vote Act by \$232 million. This extra money for election reform funding today will improve local election systems while offsetting the increase with funds that might not be used for well over 2 years. This body has an opportunity to say to Americans across the country that we are committed to election reform. My amendment makes this commitment clear and takes us one step closer to a day when Americans will walk away from the polls knowing that their vote will not only be counted but will actually count. I would urge my colleagues to vote yes on this amendment.

I would also like to take a point of personal privilege to thank the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY) and the many Members who have supported the Help America Vote Act in its present form, and assuredly all of us should bring ourselves to want to do what is right by all of our constituents as it pertains to voting.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the gentleman from Florida's (Mr.

HASTINGS) amendment. I understand his concern with having more Federal funds for voter reform and voting systems reform in the country. We have the money of course in the bill, which frankly we have treated as inviolate. We have not sought to diminish the amount or invade the election reform dollars for the purpose of transportation or any other function. However, if we open up that Pandora's box, I think we would find a great many Members who would be interested in saying we need transportation more than we need to be subsidizing some States that have not reformed their system on their own.

The gentleman's amendment opens up that box. I am not trying to take the money we have in the bill for election reform and move it out elsewhere, but I think the money we have in the bill for the modernization of the IRS, for Department of Transportation, and for the National Archives should not be invaded to put money into the election reform pot to be sent around to States.

With the funding provided in the bill already, Congress will have appropriated \$2 billion to date for reforming the election system in this country. I am well aware it is not the same as the authorized level, but \$2 billion is still an enormous amount of money. Nearly 99 percent of that money has gone or will be going directly to the States for the improvement of voting systems, including the purchase of up-to-date, reliable ballot equipment; \$650 million of that money has already been obligated.

The gentleman, though, wants to accelerate that process. In doing so, it eliminates the \$45 million for the Department of Transportation headquarters, reduces by \$165 million the critical and already long-overdue reform of the IRS information systems accounts so taxpayers can get honest, accurate, timely, reliable information about their tax status in this country, and the \$22 million that he wants to pull out of the National Archives with their important preservation of the heritage of the country.

The Committee on Appropriations has decided to fund these programs at the levels which we have after very careful consideration and working closely with the authorizers.

□ 1615

We have funded at the level that was mutually agreed upon. I have not sought to invade that for transportation needs. Similarly, I would not want to invade the other portions of this bill for the election reform. I do not want that carefully crafted compromise to fall apart, as I believe the gentleman's amendment would cause it to do.

I know that the gentleman offers the amendment in good faith in an honest desire to improve more rapidly the election reform systems in the country, but we should not be hampering the modernization efforts of the other parts of government which are equally

critical to every taxpayer in the country.

So I appreciate the gentleman's effort, but I do oppose his amendment.

Mr. CUMMINGS. Mr. Chairman, I rise today to ask my colleagues to support the Hastings amendment that will provide much needed money for election reform grants to states, which are to be used to update state election systems and replace obsolete voting equipment.

After the 2000 presidential election cycle, many Americans felt disenfranchised or even worse that their vote was not counted. These lingering problems mostly affected minority and poor neighborhoods. In response to the national outcry for reform, Congress overwhelmingly passed the Help America Vote Act (HAVA) establishing minimum federal standards for federal elections that include upgrading voting machines and registration processes. Passage of the bill provided an opportunity to reform outdated systems and show the American people and the world that fair and just elections are important and possible.

The HAVA authorized more than \$3 billion over five years to improve our election systems, which includes improving voting technology. However, the bill before us today only appropriates \$500 million, leaving states without resources to make critical systems updates for the upcoming elections this year and in 2004. States deserve the resources to make a real change. The amendment offered by the gentleman from Florida, Mr. HASTINGS goes a long way to make true election reform a reality.

The Hastings amendment increase funding for the implementation of HAVA by \$232 million, which will be offset in accounts that do not need the money, this fiscal year. This money will help restore confidence in this country's election system.

Mr. Chairman, one of the reasons given for going to war in Iraq was to bring democracy to Iraq. We also must do all we can in this country to preserve the right to vote and provide the necessary funds to update voting procedures in the United States. Voting is not just a right but also a privilege. We must ensure that the voting mechanisms in America are fair and just.

The Hastings amendment will help put us on the correct path. The world will closely watch the next election to make sure our actions speak louder than our words. Let this body act with integrity and support the Hastings amendment and renew our commitment to establishing federal standards for federal elections and voting an outlined in HAVA.

As such, I urge all of my colleagues to support this worthwhile amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Chairman pro tempore announced that the yeas appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. HASTINGS) will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. QUINN

Mr. QUINN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. QUINN:

Page 39, line 1, strike "\$900,000,000" and insert "\$1,712,000,000".

Page 39, line 2, strike "\$400,000,000" and insert "\$668,000,000".

Page 39, lines 3 through 6, strike "\$373,000,000 for quarterly grants for capital expenses along the Northeast Corridor Mainline, and \$127,000,000 for quarterly grants for general capital improvements: *Provided*' and insert "\$1,044,000,000 for quarterly grants for capital improvements: *Provided*. That the Secretary shall not obligate more than \$544,000,000 for quarterly grants for general capital improvements before October 1, 2004: *Provided further*, That no payments of principal or interest shall be collected during fiscal year 2004 for the direct loan made to the National Railroad Passenger Corporation under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822): *Provided further*".

Page 157, after line 2, insert the following new section:

SEC. 742. Each amount appropriated or otherwise made available by this Act for the Department of the Treasury that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 4 percent.

Mr. ISTOOK. Mr. Chairman, I wish to reserve a point of order.

The CHAIRMAN pro tempore. The gentleman from Oklahoma reserves a point of order.

Mr. QUINN. Mr. Chairman, I want to begin this discussion by commending subcommittee Chairman ISTOOK for his diligence for bringing this bill to the floor today. He and his committee have done their level best with obviously limited resources that he was given to meet tremendous transportation needs and infrastructure needs throughout the country.

We need to build roads; there is no question about that. We need to repair bridges. We need to expand the capacity of our airports, but I do not believe that we can forget about our other major mode of transportation and that is passenger rail service.

Unfortunately, Mr. Chairman, there is not enough money to go around. In order to provide safe, efficient, and reliable passenger rail service, Amtrak president David Gunn has said the company needs \$1.8 billion next fiscal year. This bill appropriates only half of that.

In my opinion, this will simply continue to do what we have done before, and I said it earlier this afternoon, we will provide Amtrak with just enough money to make sure that it fails. In this case, Mr. Chairman, I think with even worse results.

Our railroad subcommittee and the full Committee on Transportation and Infrastructure earlier this year passed an authorization of \$2 billion. Following that, I organized and sent a letter with over 220 signatures to the appropriators asking for this same amount of money.

That bill coupled with our bonding proposal to develop high-speed rail corridors would create the type of passenger rail network that this country needs and has to have.

My amendment this afternoon would raise the level of funding for Amtrak to \$1.7 billion and forgive them the \$100 million loan that they received from the Department of Transportation 2 years ago. It would provide Amtrak with the necessary capital and funding to make those improvements along this popular northeast corridor that we have talked about today as well as track and bridge repairs throughout its entire system, not just the northeast corridor.

The Senate Transportation Appropriations Subcommittee just yesterday passed their version of this bill and included \$1.3 billion for Amtrak. While this is a step in the right direction, I believe even more needs to be done.

Mr. Chairman, I am a firm believer that a national passenger rail system has to be in place. I intend to work with the gentleman from Oklahoma (Chairman ISTOOK) and the full committee chairman, the gentleman from Florida (Chairman YOUNG), to increase the funding for Amtrak in the conference negotiations with the Senate.

Mr. Chairman, if these numbers hold that we see today, I will predict disastrous consequences for passenger rail service next year as we know it.

Mr. Chairman, I would just like to ask a hypothetical question of Members on my side of the aisle that next August when the meeting is held in New York City I want to know who is going to answer the questions when there is no Amtrak service provided to get to the city and from the city and around the city.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I do make my point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill, therefore violating clause 2 of rule XXI.

That rule states in pertinent part, "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment gives affirmative direction in effect, and I ask for a ruling from the Chair.

Mr. CASTLE. Mr. Chairman, if he would yield to let me speak to this for a couple of minutes.

The CHAIRMAN pro tempore. The gentleman from Oklahoma may continue to reserve his point of order.

Mr. ISTOOK. As long as my point of order is reserved, I have no objection if the gentleman from Delaware (Mr. CASTLE) would like to strike the last word.

The CHAIRMAN pro tempore. Point of order is reserved.

Mr. CASTLE. Mr. Chairman, I move to strike the last word. I do not want to wear out my welcome.

I did speak to this just a few minutes ago, but there are a couple of addi-

tional points. Obviously I agree with the amendment of the gentleman from New York (Mr. QUINN). We are not going to win this point. I understood the point of order of the gentleman from Oklahoma (Mr. ISTOOK) and notice he is a good friend and a good chairman and is doing the best job he can with this particular bill, which is difficult.

I just have to go back to what we are doing in transportation and just ask everybody in leadership and everybody that is going to be involved in the ultimate conference on this to really pay attention to what is happening to rail service in the United States of America and to other services in general.

I have already indicated in our airports, for example, that we have the comptrollers, we have the TSA, and we have billions of dollars of expenses; we put \$15 billion, \$15 billion, after 9-11 into stabilization for our airline industry in this country. The request here is \$1.8 billion for a significant industry to allow them to do the infrastructure which they would have to do in order to be able to carry out a proper transportation system.

Let us look at what we have: not a single passenger rail system in the world which operates in a profitable way. Countries with well-developed rail systems with much smaller populations, such as Germany and Japan, invest \$3 billion to \$4 billion, while we are asking for \$1.8 billion, \$3 billion to \$4 billion annually on passenger rail, which is over 20 percent of their total transportation spending.

What happens to the roads there? The roads free up and people go with the rail systems. That is what we want to do here in the United States of America. I honestly believe if we give this a long-term approach, with the capital improvements, with the maintenance which is necessary running the systems where it should, and with the decisions for efficiency where it is needed, that we will have a system of rail in this country for which we can always be proud. But frankly, if we continue to try to keep nickel and diming this operation by giving them, say, \$900 million when indeed they need twice that amount of money to run this, unfortunately we will never get to that point.

We are not going to rescue this today. Unfortunately, we do not have a large enough body of votes here to be able to do that necessarily. But the bottom line is that at some point this Congress and this administration need to sit down and make that decision, and hopefully it will be a firm decision to make sure that rail is elevated so that it is at the point where it is absolutely competitive with other countries and other transportation systems in the United States of America. I do hope that we will be able to do that, and I would suggest that we would be best served if we did it, and the sooner the better.

So I am in support of the amendment, but also I am in support of making sure we resolve this problem.

Mr. QUINN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York is recognized.

There was no objection.

Mr. QUINN. Mr. Chairman, I want to thank the gentleman from Delaware (Mr. CASTLE) for his remarks, and I deeply appreciate the position of the gentleman from Oklahoma (Mr. ISTOOK). I realize that this is not the place for this discussion, not only where the discussion should take place but the decision made.

Mr. BACA. Mr. Chairman, I rise in support of the Quinn Amendment to the Transportation Appropriations bill for fiscal year 2004.

If we do not pass this amendment, Amtrak is guaranteed to close because of lack of funding. Amtrak is a valuable resource to this nation and to my home state of California. It carries millions of passengers every year and employs thousands of workers. This nation is not in the position to lose such a valuable resource. We must continue to fund Amtrak and fund it 100 percent.

Last year Amtrak shut down because of lack of funding. This bill is certain to close Amtrak's doors once again this year because it simply provides \$900 million in funding. That is not enough to keep Amtrak operating. Amtrak needs \$1.8 billion to survive.

Amtrak is a company that has not been fully funded since its creation in 1970. We have never given this company the full resources that it needs to survive and it is time to change this.

Amtrak provides a valuable resource to commuters and travelers all over this nation, and yet it only absorbs 1 percent of the federal transportation budget. 1 percent!

Amtrak last year covered nearly 65 percent of its own operating costs. No rail system in the world is that self funded! It is a good program and it must continue to keep its doors open.

We need more job creation right now, not job elimination. Amtrak employs over 20,000 workers. If we allow it to close, what will happen to these families? How will these families replace the loss of income and the loss of benefits? Our economy simply isn't in the position to keep closing doors on workers.

In California, 3.5 million people used Amtrak last year. That is 16 percent of its total ridership!

Amtrak employs over 4000 people in my state and represents over \$100 million dollars in salaries. My state simply cannot afford to see anymore job loss and it cannot afford to see any more families lose their benefits.

We must think about the consequences of our actions today. We must think about what the abandonment of our national rail system will do to commuters, workers, and families in this nation. At a time when other nations are expanding their intercity passengers rail systems, we should not guarantee the shutdown of ours. At a time when Americans are traveling more than ever, we cannot turn our backs on affordable transportation. I urge my colleagues to support this amendment.

Mr. QUINN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT NO. 9 OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. HOOLEY:
Page 2, line 8, after the first dollar amount insert the following: "(increased by \$500,000)".

Page 83, line 7, after the first dollar amount insert the following: "(reduced by \$500,000)".

Ms. HOOLEY of Oregon. Mr. Chairman, this amendment is simple and could go a long ways towards increasing the security of our States' drivers licenses, which are the primary means of photo identification in this country. These documents are too easily forged, counterfeited, stolen, or improperly distributed. In fact, the Inspector General for the Department of Transportation recently stated that a Maryland DMV employee had pleaded guilty to falsifying driver licenses for 10 people. How many of these could have ended up in the hands of terrorists or criminals seeking to steal the identity of law-abiding citizens?

Drivers licenses are literally the keys to the country's security. With a driver's license, when you show your identity, you can write a check. When you show your driver's license, you can get on a plane; when you show your driver's license, you can take a tour of the White House. In Oregon, a local woman is serving an 11-year sentence in prison because she was finally caught producing counterfeit drivers licenses right out of her home.

State DMVs must do a better job of securing our primary piece of identity, and this \$500,000 in funding will allow the Secretary to direct the Department of Transportation to study and present recommendations on how we can better secure these crucial documents. I believe this study should have three major goals.

Number one, the study should determine the best practices that States can use to secure their drivers licenses from fraud and theft. Our government has already conducted a great deal of research on security measures such as biometrics and digital watermarks and other technology that could increase the security of state-issued photo identification. In fact, we think the technology is already there.

Second, the study should determine how best to encourage the States to put these measures into place. I understand the issuance of license and photo identification is the responsibility of the State, and I do not want to infringe on that right. However, given the increasing reliance on all levels of government and businesses on these documents, I believe we must act to ensure that false documents are not used by terrorists, criminals, or others who would normally be unable to obtain these credentials.

Finally, the study should determine the approximate cost for States to initiate these security features so we can determine the impact this would have on State budgets and the feasibility of various approaches from a cost perspective.

As a matter of national security, we must take steps to protect our primary source of identification both to protect our homeland from terrorist threats and to stem the growing tide of identity theft. This amendment would provide the necessary knowledge to accomplish this mission. The additional funding for the study is offset by a reduction of \$500,000 out of the administrative account of the Office of Management and Budget. The CPO has scored this amendment as revenue neutral.

Again, this bill deals with drivers licenses. It looks at the best practices States can use to secure those drivers licenses, it looks at how we encourage States to put this in place, and it determines a cost. This is an antiterrorist amendment. This is an anti-identity theft amendment. I urge my colleagues to protect our citizens and our national security by supporting this important amendment.

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment. I certainly appreciate the good intentions of the gentlewoman from Oregon; however, I cannot support the amendment.

We already have, through the National Highway Safety program, a great number of efforts with States regarding their drivers license programs. There is funding already there. We do not need another \$500,000 study. In fact, a number of States have already adopted provisions. For example, my State of Oklahoma has moved to biometric identifiers, fingerprints, on that. Other States have acted through their legislatures.

I think we would be behind the curve if we spent \$500,000 of Federal money on another study at this point. States are already doing this. We already have money working with the States through appropriations in this bill on their drivers license improvement programs. And furthermore, we should not take money from the Office of Management and Budget, which has already been cut by \$14 million in this bill from the fiscal year 2003 level.

So I think, frankly, that the amendment is behind what is already going on in the country. It is good, but a study is not going to make things happen any faster than they are already happening in the States, and it will cost \$500,000 of Federal money we do not need to be spending. So I appreciate the efforts of the gentlewoman but rise in opposition to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. HOOLEY of Oregon. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) will be postponed.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Minnesota:

Page 39, line 1, after the dollar amount, insert the following: "(reduced by \$320,000,000)".

Page 39, line 2, after the dollar amount, insert the following: "(reduced by \$40,000,000)".

Page 39, line 3, after the dollar amount, insert the following: "(reduced by \$273,000,000)".

Page 39, line 5, after the dollar amount, insert the following: "(reduced by \$7,000,000)".

Page 61, line 9, after the first dollar amount, insert the following: "(increased by \$2,285,000)".

Page 67, line 3, after the dollar amount, insert the following: "(increased by \$12,250,000)".

Page 67, line 4, after the dollar amount, insert the following: "(increased by \$4,250,000)".

Page 67, line 5, after the dollar amount, insert the following: "(increased by \$8,000,000)".

Page 84, line 20, after the dollar amount, insert the following: "(increased by \$28,790,000)".

Page 85, line 21, after the dollar amount, insert the following: "(increased by \$276,675,000)".

□ 1630

Mr. KENNEDY of Minnesota. Mr. Chairman, my amendment is simple. It increases funding for some incredibly important programs within this bill. The amendment doubles funding for the Office of Terrorist Financing and Financial Crimes, the tax counseling for the elderly programs, low-income tax clinics, and the Office of National Drug Control Policy. It also increases funding for the high-intensity drug trafficking areas program. These increases are offset by restoring funding for Amtrak to the level originally approved by the committee.

We have heard a lot about Amtrak today, and I support intercity rail transit where it can be viable. The gentleman from New York (Mr. SWEENEY) said that the core of Amtrak was in the northeast corridor, and I am confident with regional support that northeast corridor can continue to thrive and be successful whatever we do at the national level. And where we have even close to the population density of Europe that makes sense, but there are too many lines where we are pouring money in as fast as we can in areas that will never be viable. Given the scarcity of our dollars, we should be focusing on things like high-speed rail or roads or other forms of transportation which make more sense.

The simple fact is that Federal subsidies to Amtrak are a poor investment that offer little return. Having done

some research, if we look at the Sunset Limited line from Orlando to Los Angeles, that costs \$347; and I found 11 different flights that cost less than the average per passenger loss that the Federal Government subsidizes for that route. One of those flights was \$232, so this means that the Federal Government would save \$115 per passenger if it bought every Sunset passenger a round-trip plane ticket as opposed to subsidizing the long-haul route one way.

We can say the same about the Pennsylvania which has a \$292 loss per passenger to go from Philadelphia to Chicago; a plane ticket would cost \$135. We would save \$157 per passenger. The list goes on and on.

Members do not need to be a CPA to understand that when Amtrak's rate of return is twice that to pay for Amtrak as competing services, which would get people there quicker, this is not where we ought to be prioritizing Federal dollars.

If we look at the areas I am spending it in under my proposal, as indicated during debate on the rule and general debates, the Office of Terrorist Financing and Financial Crimes is a new entity within the Department of Treasury. Its purpose is to provide support to our efforts to combat the funding of terrorism and other crimes committed within the U.S. and abroad. We know that terrorism does not work unless the terrorists have money, and so it is important that we do more to deny those who wish to do us harm the means to carry out their intentions.

My amendment would also double funding for two programs which provide critical assistance to low-income and elderly Americans when they pay their taxes. The Federal Tax Code is made up of four huge volumes that are each thicker than the Bible. In fact, the Tax Code is over 7 million words long. These programs help people with a task that is far too burdensome and they need more resources.

My amendment also increases funding for the Office of National Drug Control Policy and the high-intensity drug trafficking program, two vital elements in our Nation's war on drugs. The principal purpose of the Office of National Drug Control Policy is to establish policies, priorities, and objectives to reduce the illicit drug trade, drug-related crime and drug-related health consequences. From enforcement of our drug laws to treatment of individuals by the tragic effects of substance abuse, this program plays a critical role in helping our country fight this terrible problem. As a father of four, I believe the importance of this work cannot be understated.

Finally, we need to do more to help States fight and win their local war on drugs. In Minnesota, police have been battling the devastating problem of methamphetamine production and use. They are in desperate need of assistance.

The high-intensity drug trafficking program is a Federal program that

many of my colleagues know and respect. From Houston to Los Angeles to the Appalachian region, from Hawaii to New England and throughout the Midwest, this program has helped State and local officials tailor highly specialized solutions to unique areas of need. Drug use is a national problem, and we need to fund national programs like the high-intensity drug trafficking program to fight it. My amendment will deliver those resources.

Mr. Chairman, the programs funded by my amendment will help the poor and the elderly with the confusing task of filling out their taxes, will help States battle illegal drug use, and help law enforcement officials cut off the financial resources terrorists need before they can act. These are broad, bipartisan programs and ones that every Member should support. I urge my colleagues to vote for my amendment and fund these vital national priorities at the highest level possible.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the whipping boy today seems to be Amtrak on the part of one group; and there is another group that feels that the number that is there for Amtrak is totally inadequate. I am more a part of that group.

The amendment which has been offered by the gentleman from Minnesota (Mr. KENNEDY) again reverses the action taken by the Committee on Appropriations in full committee to provide the level of funding that the President had asked for for Amtrak. I happen to believe that is quite inadequate. The number that has been proposed now will strangle, and, by the way, is specifically intended to strangle the very idea of a national passenger rail system for America. I hope that will not be the direction that we take here today.

The proposals for increases of funding where \$320 million are used, there are 6 of them, I guess, and each one has arguments that can be made in favor of it, but the cost of doing that is to reduce the funding for Amtrak to the point where it absolutely goes belly up. It is the very end, and is intended to strangle the passenger rail system.

As I have pointed out before, the level of \$900 million is what the President requested. And even at that level, it is clear that it is not possible to make any inroads in the years of deferred maintenance and inadequate capital investment at Amtrak. The Inspector General for Transportation had pointed that at that \$900 million level, none of the backlog of capital needs could be addressed at that funding level.

We have already heard that 220 Members of this House of Representatives had written the Committee on Appropriations asking for a higher number than the \$900 million level. In fact, the number was \$1.8 billion which Amtrak asked for, which the new president of Amtrak had asked for.

I just have to point out and remind Members that over the last 5 years Am-

trak has received an average of \$1.1 billion each year, and at that level of funding they have not been able to keep up with capital needs. They have had to defer important capital investments. They have a backlog of \$3.8 billion on infrastructure, \$1.1 billion for fleet, and \$900 million for stations and facilities, so such a level would make it impossible to do anything of significance in capital needs. Again, the inspector general has estimated that Amtrak would need \$1.5 billion annually for capital needs alone throughout the system.

The president of Amtrak, David Gunn, the new President and CEO, has cut waste, reduced expenses, increased revenues, improved Amtrak's operations, and he has said that he would need \$1.4 billion to \$1.8 billion each year to stabilize the system over the next 5 years. That includes the funding for upgrading track and bridges and tunnels in the northeast corridor, which is one piece of it which carries a huge number of passengers, and runs somewhere fairly close to break even, except for capital expenditures.

The fact here is the amendment is intended to terminate the idea of a passenger rail system in this country. I hope we would not adopt this amendment. I urge a no vote on this amendment.

Mr. MICA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I came to join the Amtrak debate. We have a great amendment before us, proposed by the gentleman from Minnesota (Mr. KENNEDY). I think he is well-intended. It shows the depth we have sort of sunk into when the debate on our national rail passenger service has a Member come forward and say we are subsidizing \$350 a ticket on a losing route, which serves my area, and it would be better to put the money on a drug rehabilitation program, for which I probably concur.

I did not come to speak in favor of the amendment, but I think there is a lot of logic if we are going to throw money away on a losing proposition on Amtrak the way it is currently constituted, it would be better to put it on the proposal the gentleman from Minnesota (Mr. KENNEDY) has brought forth.

First, let me say I am not an opponent to national passenger rail service and increasing actually good service. What we have now is a Soviet-style partial government operation of our national passenger rail service. We have had reports for as long as I have served on the Committee on Transportation and Infrastructure and the Subcommittee on Railroads, for some 11 years, we have got to reform Amtrak.

The problem is not Amtrak. The problem is right here: Congress. Congress has failed to authorize a program under which we can provide good national passenger long-distance service, a program under which we can provide and catch up with the rest of the world in high-speed service.

□ 1645

Yes, we need to put the money into it. But do we want to put the money into a losing proposition that we would be better off putting it into a drug program? I heard the gentleman from New York (Mr. QUINN). He is very well intended, and he wants to up the amount to \$1.8 billion. We just heard from the ranking member of the subcommittee that they have been losing \$1.1 billion. The facts are that Amtrak has lost, as we heard, \$1.1 billion in need of that subsidy in addition, but below that their debt now exceeds \$5 billion each year for the past 4 or 5 years. They have gone into debt, they have hocked the whole system and even their real estate assets. So that the debt and the depth of problems with Amtrak is far greater than what is brought here today.

Mr. Gunn is a great administrator, but he has to administrate the law that Congress passed some 30 years ago to do everything as far as passenger service and high-speed service and other activities that Amtrak is involved in and nothing gets done well. So you can have the best manager and if Congress does not make the changes necessary, it will not run. He came to us at our subcommittee and said he needed \$2 billion, first for 5 years, a total of \$10 billion. Then he came back and he said he needed \$2 billion for 3 years, a total of \$6 billion. The maintenance backlog of Amtrak alone exceeds \$6 billion. So if you think you are fixing Amtrak by throwing more money at the problem, you are wrong. It will not solve it because they are losing more than \$2 billion a year if you add in the debt. Just their debt payment is a quarter of a billion dollars a year. Plus, they have a retirement fund obligation which exceeds \$7 billion.

What we need to do is reorganize Amtrak, and Congress needs to organize it so we have high-speed service and long-distance service. And we do it right, we just do not throw money at the problem. I would favor \$60 billion towards national passenger rail service and high-speed, or \$100 billion, because we need that alternative. And in the end, it is cost effective to concrete and cement and roads and other alternatives that we are faced with. So it is cost effective, but who wants to give Amtrak more responsibility for high-speed service?

The Acela program, we gave them billions, billions of dollars, and they blew it. The contract is in litigation. They bought equipment that does not fit the chassis, and it runs 82 to 83 miles per hour. Is that high-speed service? Even under our national definition of high-speed rail, it does not meet that criteria. Let us reform Amtrak and let us solve the problem. Let us not throw money at the problem.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Kennedy of Minnesota amendment.

I have listened to this debate now for more than an hour. I have certainly come to the conclusion that the fact of the matter is that the Transportation, Treasury and Independent Agencies Appropriations Act for fiscal year 2004 does not adequately fund the National Railroad Passenger Corporation that we call Amtrak. As a matter of fact, this bill provides \$900 billion for continued assistance to Amtrak.

Last year, Congress provided just over \$1 billion to keep Amtrak running through fiscal year 2003. Amtrak now estimates that it will need \$1.8 billion to maintain existing operations in fiscal year 2004. The present bill before us is not sufficient to meet Amtrak's contractual obligations for commuter and intercity passenger rail service. If Amtrak is unable to continue its existing operations, many commuter railroads that are dependent upon Amtrak operations would be unable to continue to provide quality and reliable services to their customers.

Amtrak is a major part of the economy of the city where I live. I live in the city of Chicago, which we call the transportation capital of the Nation. Amtrak operates more than 50 trains into and out of the city of Chicago each and every day. These include an extensive network of long-distance trains that provide service to the east and west coasts, the Gulf of Mexico and Canada. Amtrak also operates dozens of regional corridor trains to most major cities in the Midwest. Last year, Amtrak carried two million passengers to or from Chicago. Nearly 600,000 more boarded Amtrak trains at other stations within Illinois.

Amtrak employs 2,075 individuals in Chicago. And of those employees, 897 were actually Chicago residents. In calendar year 2002, the total wages of Amtrak employees living in the city of Chicago were approximately \$37.7 million. Should Amtrak not be able to continue its operations, imagine the negative impact this would have on the people of Chicago and the people who live in that region, the people who work for Amtrak, and the thousands of people all over the country who look to, expect and need Amtrak as their primary mode of transportation, even to and from work every day.

I oppose this amendment because I think it goes in the wrong direction, and I would certainly support the Olver amendment to increase Amtrak funding by \$500 million rather than cut it in any way, shape, form or fashion.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. OLVER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further

proceedings on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLT:

Page 43, line 22, after the dollar amount, insert the following: "(reduced by \$2,000,000)".

Page 43, line 23, after the dollar amount, insert the following: "(reduced by \$2,000,000)".

Page 46, line 9, after the dollar amount, insert the following: "(increased by \$2,000,000)".

Page 46, line 10, after the dollar amount, insert the following: "(increased by \$2,000,000)".

Mr. HOLT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Mr. Chairman, today I am offering an amendment that would help ensure adequate winter access to Yellowstone and Grand Teton National Parks.

Yellowstone, America's premier park, is being loved to death, and there are many Members here who are concerned about the effect of vehicular pollution, traffic, on Yellowstone Park. In fact, precisely half of the Members here recently voted to ban snow machines. This amendment, that I have before the body at the moment, would do nothing with the number or type of snowmobiles allowed in the park. It is not unrelated. As I point out, half of the House voted to ban snowmobiles, and all of those Members should support this amendment. Some, who voted otherwise because there was insufficient alternative transportation available, should also support this.

Since that discussion a few weeks ago, there is new information. The Environmental Protection Agency, having done tests shows that the new generation of snowmobiles approved for use in Yellowstone Park after being promoted as cleaner and quieter, in fact, emit more pollution. Said a spokesman for Yellowstone Park, "We started all this in good faith. We based our decision on the fact that the machines would continue to be cleaner and quieter and the industry would work toward that end." In fact, none of the new machines tested by the EPA meet the park's standards. They are dirtier than before.

What I am trying to do is to see that we have adequate access to Yellowstone Park whether my colleagues support snowmobiles or not. There exists now some multipassenger vehicles for access in the snow, over the snow, into the park. They range from the old-fashioned, and I would say classy, red Bombardier vehicles to the newer models adapted from Ford Econoline vans.

Just this year, the new prototype of snow coaches has been unveiled. These new vehicles are environmentally friendly and can run on diesel, gas, compressed natural gas or ethanol. And they include big windows and a fabric top that folds back so passengers can get a good look around. What is more, the vehicles can be lowered to accommodate disabled individuals. This means that people who could not enjoy Yellowstone Park's winter beauty before can now fully experience these national treasures.

The Federal Transit Administration, in a private-public partnership along with the Heart Corporation of Michigan, Idaho National Engineering and Environmental Laboratory, the U.S. Department of Energy and the National Park Service have designed and developed this new prototype. My amendment is intended to provide \$2 million for the Park Service to use 12 new coaches of this type.

As I said, this amendment, I believe, should be acceptable to everyone. Anyone here in this body who voted to ban snowmobiles from Yellowstone should support this. Anyone here who voted against the ban on snowmobiles should also support this because it provides alternative means of travel.

Mr. Chairman, I would ask that the committee consider approving this transfer of funds within the Federal Transit Administration for this important purpose in our major, premier national park.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I certainly appreciate the efforts of the gentleman from New Jersey and his focus on this issue. I regret that I cannot agree to the amendment, because I know he has devoted a lot of time to it, but for a couple of reasons. One, of course, is that the National Park Service customarily has its appropriations through the Interior Department Appropriation bill. As much as some people may consider it mass transit in Yellowstone, I do not think that fits the normal definition of the work of the Federal Transit Administration. But I look forward to working with the gentleman to learn more about the issue and see what we might be able to improve on it and consider his request in whatever is the appropriate committee.

I also feel compelled to point out, it has come to my attention, an article reported today through the Los Angeles Times News Service, and I will just read the first sentence of that particular article, which says, "A new generation of snowmobiles approved for use in Yellowstone National Park after being promoted as cleaner and quieter, emit more pollution than models produced 2 years ago, according to test data from the Environmental Protection Agency." I do not know on the particular vehicles that the gentleman is promoting whether they are actually covered by this particular study or not, maybe they are, maybe they are not.

But I do not know the ramifications of it all, and I certainly would not want to be shifting around within a bill that has such tight funding as we have, \$2 million to go out of the general transportation purposes and into a specialty use in Yellowstone National Park, although I think that is a good question for the Interior Committee.

But I am interested in learning more, working with the gentleman, and I think the whole House needs to consider his interest. But I cannot agree to support the amendment, unfortunately.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from New Jersey.

Mr. HOLT. It is precisely because those single-passenger and dual-passenger vehicles to which the chairman refers do not meet the environmental guidelines of the National Park Service that the Transit Administration and others have developed these multipassenger vehicles which do emit less pollution per passenger, per recreation enthusiast. So, in fact, they would be a substitute.

With regard to the point that this would be used in Yellowstone Park, yes, indeed they would. In fact, all mass transit is used somewhere, where people are, where people want to travel, and that is an appropriate use of, I think, the Transit funds. But with the chairman's assurance that we can continue this discussion, I would be pleased to withdraw my amendment at this time.

Mr. ISTOOK. I thank the gentleman. The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLVER:
Page 39, line 10, insert before the colon the following:
: *Provided further*, That, in addition to the amounts otherwise provided under this heading, for grants to the National Railroad Passenger Corporation, \$500,000,000: *Provided further*, That, in the case of taxpayers with adjusted gross income in excess of \$1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108-27) shall be reduced by 2.8 percent.

□ 1700

Mr. OLVER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ISTOOK. Mr. Chairman, I wish to reserve a point of order against the amendment.

Mr. OLVER. Mr. Chairman, my amendment is one of those that pro-

poses to add \$500 million or nearly that sum of money, in my case exactly \$500 million, to this legislation for Amtrak and would bring their total funding to \$1.4 billion. The amendment does this by reducing the size of the tax cut for those earning more than \$1 million of taxable income by less than 3 percent, from an average of \$88,000 to an average of \$85,500 or about \$2,500 on average, which represents less than 3 percent of the size of that tax reduction.

The chairman has already reserved a point of order, and I would like to just point out that I would have supported the amendment being offered by the gentleman from New York, who is the chairman of the Railroads Subcommittee of the Committee on Transportation and Infrastructure, had it not been for the way the offsets come.

So here we are with a substantial number of people, and it probably comes to all of those 220 Members, both Republicans and Democrats, a good smattering of both parties, who sent a letter to appropriators asking for support for requests of \$1.8 billion for Amtrak; and the gentleman from New York (Mr. QUINN) and I in two different ways have offsets that neither he could support mine nor could I support his, but it goes to show that there is a substantial number of people who really do believe in the concept of a national passenger rail system, and that is not what we are going to have in the direction that we are going.

I just want to comment also that the gentleman from Florida (Chairman MICA) of the Subcommittee on Aviation has indicated, and I think this is what I heard, that he thinks it would be appropriate to do perhaps as much as a \$90 billion program on high-speed rail, and I am a supporter of high-speed rail as well and will probably if we get the opportunity vote for that because high-speed rail in appropriate places is something that might well be done. But high-speed rail is never going to be a substitute for a national passenger rail system. That is not possible under high-speed rail, and I would point out that if we are talking about doing \$90 billion in capital funding for a high-speed rail system, which under circumstances I certainly will support, we are now talking about instead being unable to provide merely the \$1.5 billion per year which the transportation IG, Ken Mead, says is necessary to make our present effort at a national passenger rail system function.

So we have to keep in mind that we are talking about a huge sum of money for doing some high-speed rail when we cannot even figure out how to do a national passenger rail system which would on a per-year basis cost no more than 10 percent of what is being proposed for a high-speed rail program, a set of initiatives that will not come anywhere close to providing for such a national passenger rail system.

My amendment, with the increase to \$1.4 billion a year, would provide money so that Amtrak can begin to

tackle the years of deferred maintenance and inadequate capital investment that has been the history of Amtrak for quite a number of years, and I would just point out that no large private or public intercity passenger rail system in the world has been profitable or been able to survive without substantial public subsidy. When national governors no longer want to support such intercity rail service, the rail service disappears; and Amtrak was created because private companies were unable to make a profit on passenger rail. And if we believe in a national passenger rail system, then we are going to have to start by dealing with a national passenger rail system.

Mr. MICA. Mr. Chairman, I move to strike the last word.

I had not planned to talk, but since my name was brought up in the debate in some comments about my comments, I thought it was important to respond.

First, again, I view myself as a strong advocate of national passenger rail system; but we need a system that makes sense, a system that serves areas that need to be served and require the service, and if we want to have losing routes across the country, there is no problem. We subsidize aviation. We subsidize roads. We subsidize every form of transportation. Let us have a transparent subsidization. Let us subsidize the transportation at the lowest possible cost to the taxpayer, and let us also bring in partners from those areas who want the service. If they want service and they want to subsidize it \$350 a ticket, God bless them. They should have that service, and if they are willing to pay for part of that, maybe we will pay part of it too.

But we have to look at, for one thing, the taxpayers' pocketbook here. The fact is, again, I do not know how to make this any clearer to my colleagues, Amtrak was given by Congress the mandate to run national passenger service. They have had that mandate. They have gotten into high-speed service. Can we tell the finances of Amtrak? I would venture to say if we looked at the Enron report and Enron loss-of-investor money, we are talking about losses of taxpayers' billions of dollars, five point X billion dollars in the last 5, 6 years that they have lost, we cannot tell the finances. This committee cannot tell us the finances. I just asked the staff for information about the finances of Amtrak.

So I have identified the problem. The problem is Congress, because we have failed to put together a plan to provide national passenger service that makes sense. We have failed to put together corridors for high-speed service.

The question comes to us should we give Amtrak more money, and if we give them \$1.4 billion, can they do the job? If we give them \$1.8 billion, can they do the job? Two billion dollars, can they do the job? It is "no," by any stretch of financial accounting. Just

add it up. Their deferred maintenance is over \$5 billion. What are we going to do in this, a couple hundred million dollars at most? Their debt is a quarter of a billion, plus they have been hocking the family jewels to keep this thing operating. So the problem is us.

I do not mind a high-speed corridor that makes sense. Honest to goodness, and I know a lot of people here are lawyers and we have got politicians and they cannot figure it out, but a route from Washington to New York that truly went high speed, 125 miles an hour as defined by law or whatever we have, that got people there in less than 2 hours, my goodness, even the people from Wall Street have said that is a winner. That will make money. They cannot figure that out in Washington. They want subsidization of a Soviet-style passenger service and impose it in a high-speed corridor. Does that make sense?

Yes, these projects can make sense if we look at them from a business standpoint or a taxpayer standpoint as to how we are spending the money. So let us take a deep breath. We are not going to solve Amtrak's problem with \$1.1 billion, with \$1.4 billion, or with \$2.4 billion; and I guarantee the Members, and I have got all the reports from the last several years, we will be back here again with the same debate no matter how much money we give them today if we do not solve the basic fundamental organizational, administrative problems and service problems that Amtrak is facing. So that is the story, the long and the short of it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the gentleman's amendment, and it follows the discussion and my support for preserving dedicated funding for transportation enhancements with goals to ensuring that community-based projects are supported at the local level. And the reason why I tie the two together in our support for Amtrak is that all these projects point to the public responsibility for transportation. We know that on the floor of the House today we are not debating the involvement of the public sector. We want to be efficient. We want to be responsible as it relates to Federal dollars; but when we discuss matters on the floor of the House, we are suggesting what the public and Federal roles should be.

It is well known that transportation itself is a public entity and responsibility, whether it goes to fixing our freeways and highways and bypasses and bridges, which we all realize is an important component of now the Committee on Homeland Security, a committee on which I serve. Then we cannot doubt the fact that all aspects of transportation, whether it is trucking or when it is utilization of our highways and freeways by cars, of individuals who travel over Federal roadways, whether or not it is the airlines or whether or not it is the train system, if

it is localized, it is controlled by local entities. But Amtrak happens to be a system that travels interstate. I cannot imagine, on the basis of jobs, on the basis of transportation, and on the basis of security that we would not want to be responsible in funding Amtrak.

I realize that these are difficult questions. I will be on the floor shortly with a very difficult question. But the question should be answered in favor of the people. I believe my amendment should be answered in favor of the people who have voiced their opinions. Amtrak has a constituency that in many instances cannot do without it.

I happen to be some distance away from the eastern corridor, but I can assure the Members that in Texas, the Texas 21 organization that has any number of Texas transit organizations involved happens to have a very favorable position on Amtrak and the need for passenger travel. In fact, in Texas, where we are very far away in our different cities and hamlets and counties because we are a very big State, sometimes rail travel may be the only vehicle. It does not mean in any way that we intend to diminish our very able intra, which is now interstate, airlines or locally based airlines.

I happen to think the world of Southwest Airlines that was based initially on travel within our State, but I believe they could be complementary to the extent that we can find an effective and efficient way to ensure that Amtrak uses Federal dollars correctly but that we do not sacrifice the needs of the public because we are not willing to participate in our responsibility.

I think this is a reasonable approach. This is where we should be debating this question. The resources are resources that we can find, Mr. Chairman, simply by repealing the President's tax cut and investing in the infrastructure of this country. We already realize that infrastructure is crumbling, as evidenced by the very serious blackout that we had just a couple of weeks ago. That is infrastructure. Public transit is infrastructure. And it would make a lot of sense to reinvest in infrastructure.

I support this amendment, and I would hope my colleagues would find a way to err on the side of supporting passenger travel by rail.

□ 1715

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Olver amendment. Let me talk about my home State of Connecticut, where Amtrak service is a vital component of daily life, as it is to thousands of cities and towns. The same is true all along the East Coast.

Over 1 million Connecticut citizens rely on Amtrak annually; 411,000 in my hometown of New Haven. People rely on Amtrak to commute to work to New York City. They rely on Amtrak to

bring commerce and tourism into cities without a commuter airline service.

In the Northeast, people travel Amtrak because it quite simply is the most convenient and time-efficient method of traveling from city to city, alleviating heavy rush-hour traffic which is faced by so many commuters today. In doing so, it is a major contributor in reducing emissions that contribute to respiratory illnesses like asthma, and it helps to keep the air clean and our children healthy.

If you have ever been on the I-95 corridor, you will know that it does not make any difference what time of day you are traveling that road by car, it is always jammed. For us, being able to alleviate some of that problem by putting people on trains would be well worth an investment.

Amtrak means jobs as well. Nearly 700 employees are in Connecticut. Amtrak owns and operates a rail yard in New Haven, Connecticut where maintenance and equipment repair take place. Given the continual underfunding of Amtrak, over 100 cars in the fleet remain sidelined waiting for repair due to inadequate capital.

Deferred maintenance on all Amtrak locomotives and passenger cars has reduced reliability, revenue, and raised costs, further hindering overall financial performance.

I speak from experience as a dedicated Amtrak traveler. For 13 years I have frequently commuted between Connecticut and Washington, D.C. Amtrak represents the best of what public transportation has to offer: convenience, comfort and efficiency.

Sadly, though, for over 3 decades, funding for America's passenger railroad has barely been enough to keep the system operating on a year-to-year basis, which prevents it from meeting its longer-term public service mission, not to mention its capital obligations.

Mr. Chairman, this country and its transportation system was created and its vision was a bold and daring vision, where people invested in infrastructure and made it possible for people to go from coast to coast, from city to city, by rail, to transmit goods by rail, and it was visionary on the part of those who invested in that effort.

That needs to happen with this institution. It needs to be visionary in understanding what the infrastructure needs are with regard to rail travel. Pruning or eliminating the long-distance network will not make Amtrak profitable. Failure to provide the necessary funds will not only mean the suspension of Amtrak service in the busy northeast corridor, but the likely permanent loss of its long-distance trains. It will not only strand thousands of commuters around the Nation, it will also mean the loss of production, the loss of millions of dollars for communities and companies in the areas it services. That simply is unacceptable. It should be unacceptable. We need to embark on that bold vision that those folks of yesteryear had in

putting in the dollars needed for rail travel and its maintenance.

Support Amtrak and vote for the Oliver amendment.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the distinguished ranking member's amendment for a critical part of the Nation's transportation infrastructure. There are so many ways in which one could look at the preservation of Amtrak in terms of national interests. I would like to talk first about one of those, and that is on security.

After September 11, we learned very clearly on that fateful day, and my district sits right across from midtown Manhattan, that it was the redundancy of different transportation modes when everything else was shut down that ultimately allowed people to escape from that tragedy, because we had a redundancy of transportation modes.

We saw that again very recently again in the blackout; that but for the redundancy of transportation modes, people would not have been able to get home and to be safe.

So, at a time in which corporate America looks to have redundancy in their corporate headquarters and operations, we as a government should be looking at how do we have a redundancy of transportation modes in order to ensure the vitality of our country and the safety of its citizens. Amtrak is one of those elements of that vitality and of that redundancy, and we need to ensure that it is preserved.

Now, under the appropriations bill that is before the House, if it were to become law, in essence that would result in the immediate shutdown of Amtrak, which would be catastrophic for rail passengers that rely on Amtrak's operation in the northeast corridor, as well as those passengers who use Amtrak for long-distance intercity travel. The Nation faced that prospect during the summer of 2002, and it was narrowly averted by a Federal loan and supplemental appropriation. We do not need to suffer such a needless transportation crisis again.

The long-term effects of Amtrak's demise would be just as severe. The States and municipalities who benefit, for example, the northeast corridor service, would have to scramble to replace it at a time when those States are in fiscal distress. The communities only served by Amtrak's long-distance trains would lose service altogether, with no realistic chance of that service's restoration.

Put simply, the shutdown of Amtrak is something that cannot be allowed to happen, and the way that this bill funds Amtrak clearly would lead to that reality if it became law with this appropriation.

Now, in addition to security and having different modes of transportation to get people to their destinations in a time of heightened security concerns, we also look at, as we are trying to

languish with coming up with a highway bill, a major transportation bill, the toll that the lack of such rail passenger service would have on our highways, on our bridges, on our roads. The consequences would be enormous. That is not factored into the value that Amtrak provides us; the commerce that takes place by those who travel through passenger rail, to be able to conduct commerce and research and development as those companies along the northeast corridor participate throughout the corridor and visit and do business; for those in the financial services community; and the consequence on the environment as well from adding all of those other forms of transportation that would have to take the place of passenger rail, the more cars, and that which is produced through Amtrak that may in fact have to be carried by trucking.

So, ultimately, this has a series of effects on the Nation's economy, on the Nation's security, on the environment and the quality of life for people who are served by Amtrak.

Mr. Chairman, we have those Members who just simply do not understand that this is as crucial as subsidies are to agricultural parts of the country, as dams may be to some parts of the country. This is crucial to significant elements of the country for its security, for its transportation needs, for its commerce, for its environment.

That is why the gentleman's amendment makes eminent sense. He moves an amount just sufficient to keep Amtrak alive in doing so, and he does so by taking from those who already have so much and who were given so much more, taking a small amount to ensure that the many who need this transportation service can achieve it.

I urge a "yes" vote on the amendment.

Mr. CULBERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I just want to put into the RECORD, since we are having this Amtrak debate, a couple of facts relating to the service of Amtrak, and I will be very brief.

Amtrak's long-distance service record, just one example: From Boston to Albany, in 1936 the B&M Minuteman, it took 4 hours 50 minutes to go from Boston to Albany. That is before Amtrak. In 2003, Amtrak Lakeshore Limited goes from Boston to Albany in 5 hours.

Then I just wanted to also make certain that we have in this debate, we talked about subsidizing the losses. This is the Amtrak Reform Council, which we put in place in 1997 I believe it was, to look at reforming Amtrak, coming up with a proposal, which has so far been ignored, for restructuring the five routes with the most losses and the amount estimated per rider

loss: From Los Angeles to Chicago is a \$236.76 subsidy, a loss; from Chicago to New York we lose \$244.69 per passenger; from San Antonio to Chicago, we lose \$258.25; from Chicago to Philadelphia, we only lost \$292.34 cents; and from Los Angeles to Orlando, to serve my area, we only lose \$347.45.

I thought that would be appropriate to read into the RECORD at this time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Oklahoma insist on his point of order?

Mr. ISTOOK. Mr. Chairman, I do insist upon my point of order, because the amendment proposes to change existing law and constitutes legislation in an appropriation bill, therefore violating clause 2 of rule XXI. The amendment modifies existing powers and duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to speak on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment indirectly amends existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by Mr. PETRI of Wisconsin; Amendment No. 25 offered by Mr. TANCREDO of Colorado; Amendment No. 4 offered by Mr. HASTINGS of Florida; Amendment No. 9 offered by Ms. HOOLEY of Oregon; and the amendment offered by Mr. KENNEDY of Minnesota.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. PETRI

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. PETRI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 327, noes 90, not voting 17, as follows:

[Roll No. 469]

AYES—327

Abercrombie	Baca	Ballance
Ackerman	Bachus	Bartlett (MD)
Alexander	Baird	Bass
Allen	Baker	Beauprez
Andrews	Baldwin	Becerra

Bell	Graves	Miller (MI)	Velazquez	Watson	Whitfield
Bereuter	Green (TX)	Miller (NC)	Visclosky	Watt	Wilson (NM)
Berkley	Green (WI)	Miller, Gary	Walden (OR)	Weiner	Wolf
Berman	Greenwood	Miller, George	Walsh	Weldon (PA)	Wu
Berry	Grijalva	Moore	Wamp	Weller	Wynn
Biggett	Gutierrez	Moran (KS)	Waters	Wexler	Young (FL)
Bilirakis	Gutknecht	Moran (VA)			
Bishop (GA)	Hall	Murtha			
Bishop (NY)	Harman	Nadler			
Blumenauer	Harris	Napolitano			
Boehlert	Hastings (FL)	Neal (MA)			
Bonner	Hayes	Nethercutt			
Bono	Hefley	Ney			
Boozman	Hill	Norwood			
Boswell	Hinchee	Oberstar			
Boucher	Hinojosa	Obey			
Boyd	Hoeffel	Olver			
Bradley (NH)	Hoekstra	Ortiz			
Brady (PA)	Holden	Osborne			
Brown (OH)	Holt	Owens			
Brown (SC)	Honda	Pallone			
Brown, Corrine	Hooley (OR)	Pascarell			
Burgess	Hostettler	Pastor			
Burns	Houghton	Pelosi			
Burr	Hoyer	Pence			
Buyer	Hulshof	Peterson (MN)			
Calvert	Hunter	Peterson (PA)			
Camp	Hyde	Petri			
Capito	Inslee	Pitts			
Capps	Isakson	Platts			
Capuano	Israel	Pomeroy			
Cardin	Issa	Porter			
Cardoza	Jackson (IL)	Portman			
Carson (IN)	Jackson-Lee	Price (NC)			
Carson (OK)	(TX)	Pryce (OH)			
Carter	Jefferson	Quinn			
Case	Jenkins	Radanovich			
Castle	Johnson (CT)	Rahall			
Chocola	Johnson (IL)	Ramstad			
Clay	Johnson, E. B.	Renzi			
Clyburn	Jones (OH)	Reyes			
Coiner	Kanjorski	Reynolds			
Cooper	Kaptur	Rogers (AL)			
Costello	Keller	Rogers (MI)			
Cramer	Kelly	Ross			
Crane	Kennedy (MN)	Rothman			
Crowley	Kennedy (RI)	Ruppersberger			
Cubin	Kildee	Rush			
Cummings	Kilpatrick	Ryan (OH)			
Cunningham	Kind	Ryan (WI)			
Davis (AL)	King (NY)	Sabo			
Davis (CA)	Kirk	Sanchez, Linda			
Davis (FL)	Kleczka	T.			
Davis (IL)	Knollenberg	Sanchez, Loretta			
Davis (TN)	LaHood	Sanders			
Deal (GA)	Lampson	Sandlin			
DeFazio	Langevin	Saxton			
Delahunt	Lantos	Schakowsky			
DeLauro	Larsen (WA)	Schiff			
Deutsch	Larson (CT)	Schrock			
Diaz-Balart, L.	Latham	Scott (GA)			
Diaz-Balart, M.	LaTourette	Scott (VA)			
Dicks	Leach	Serrano			
Dingell	Lee	Shaw			
Doggett	Levin	Shays			
Dooley (CA)	Lewis (GA)	Sherman			
Doyle	Lewis (KY)	Sherwood			
Duncan	Lipinski	Shimkus			
Edwards	LoBiondo	Shuster			
Ehlers	Lofgren	Simmons			
Emanuel	Lowe	Simpson			
Engel	Lucas (KY)	Skelton			
English	Lucas (OK)	Slaughter			
Eshoo	Lynch	Smith (NJ)			
Etheridge	Majette	Smith (WA)			
Evans	Maloney	Snyder			
Farr	Markey	Solis			
Fattah	Marshall	Souder			
Ferguson	Matheson	Spratt			
Filner	Matsui	Stark			
Fletcher	McCarthy (MO)	Stearns			
Foley	McCarthy (NY)	Stenholm			
Forbes	McCollum	Strickland			
Ford	McCotter	Stupak			
Fossella	McCrery	Sullivan			
Frank (MA)	McDermott	Tanner			
Frelinghuysen	McGovern	Tauscher			
Frost	McHugh	Taylor (MS)			
Gallegly	McInnis	Terry			
Gerlach	McIntyre	Thomas			
Gibbons	McNulty	Thompson (CA)			
Gilchrest	Meehan	Thompson (MS)			
Gillmor	Meek (FL)	Tierney			
Gingrey	Meeks (NY)	Towns			
Gonzalez	Menendez	Turner (TX)			
Goode	Mica	Udall (CO)			
Goodlatte	Michaud	Udall (NM)			
Gordon	Millender	Upton			
Granger	McDonald	Van Hollen			

NOES—90

Aderholt	Everett	Oxley
Akin	Feeoney	Paul
Ballenger	Flake	Pearce
Barrett (SC)	Franks (AZ)	Pombo
Barton (TX)	Garrett (NJ)	Putnam
Bishop (UT)	Goss	Rehberg
Blackburn	Hart	Rogers (KY)
Blunt	Hastings (WA)	Rohrabacher
Boehner	Hayworth	Ros-Lehtinen
Bonilla	Hensarling	Royce
Brady (TX)	Herger	Ryun (KS)
Brown-Waite,	Hobson	Sensenbrenner
Ginny	Istook	Sessions
Burton (IN)	Johnson, Sam	Shadegg
Cannon	Jones (NC)	Smith (MI)
Cantor	King (IA)	Smith (TX)
Chabot	Kingston	Sweeney
Coble	Kline	Tancredo
Cole	Kolbe	Tauzin
Collins	Lewis (CA)	Taylor (NC)
Cox	Manzullo	Thornberry
Crenshaw	McKeon	Tiahrt
Culberson	Miller (FL)	Tiberi
Davis, Jo Ann	Murphy	Toomey
Davis, Tom	Musgrave	Turner (OH)
DeLay	Neugebauer	Vitter
DeMint	Northup	Weldon (FL)
Doolittle	Nunes	Wicker
Dreier	Nussle	Wilson (SC)
Dunn	Ose	
Emerson	Otter	

NOT VOTING—17

DeGette	Mollohan	Rodriguez
Gephardt	Myrick	Roybal-Allard
Janklow	Payne	Waxman
John	Pickering	Woolsey
Kucinich	Rangel	Young (AK)
Linder	Regula	

□ 1749

Mr. BONILLA, Mrs. EMERSON, and Messrs. MURPHY, COX, and BURTON of Indiana changed their vote from “aye” to “no.”

Messrs. GIBBONS, FORBES, ALEXANDER, BURR, and BALLANCE changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 25 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 25 offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 90, noes 322, not voting 22, as follows:

[Roll No. 470]

AYES—90

Aderholt	Flake	Miller, Gary
Akin	Franks (AZ)	Musgrave
Baker	Gingrey	Neugebauer
Barrett (SC)	Goss	Northup
Bartlett (MD)	Graves	Otter
Barton (TX)	Green (WI)	Paul
Beauprez	Gutknecht	Pearce
Bilirakis	Hastings (WA)	Pence
Bishop (UT)	Hayworth	Peterson (PA)
Blackburn	Hefley	Petri
Blunt	Hensarling	Pombo
Brady (TX)	Hergert	Radanovich
Burgess	Hostettler	Rahstad
Cannon	Hunter	Rohrabacher
Cantor	Isakson	Royce
Carter	Istook	Ryan (WI)
Chabot	Jenkins	Ryuan (KS)
Chocola	Johnson, Sam	Sensenbrenner
Coble	Jones (NC)	Shadegg
Collins	Keller	Smith (MI)
Cox	Kennedy (MN)	Smith (TX)
Crane	King (IA)	Sullivan
Cubin	Kingston	Tancredo
Culberson	Kline	Terry
Cunningham	Lewis (KY)	Thornberry
DeLay	Linder	Toomey
DeMint	McCotter	Vitter
Diaz-Balart, M.	McCrery	Wamp
Duncan	McInnis	Wicker
Everett	Miller (FL)	Wilson (SC)

NOES—322

Abercrombie	Davis (CA)	Hobson
Ackerman	Davis (FL)	Hoefel
Alexander	Davis (IL)	Hoekstra
Allen	Davis (TN)	Holden
Andrews	Davis, Jo Ann	Holt
Baca	Davis, Tom	Honda
Bachus	Deal (GA)	Hooley (OR)
Baird	DeFazio	Houghton
Baldwin	Delahunt	Hoyer
Ballance	DeLauro	Hulshof
Ballenger	Deutsch	Hyde
Bass	Diaz-Balart, L.	Insee
Becerra	Dicks	Israel
Bell	Dingell	Issa
Bereuter	Doggett	Jackson (IL)
Berkley	Dooley (CA)	Jackson-Lee
Berman	Doolittle	(TX)
Berry	Doyle	Jefferson
Biggert	Dreier	Johnson (CT)
Bishop (GA)	Dunn	Johnson (IL)
Bishop (NY)	Edwards	Johnson, E. B.
Blumenauer	Ehlers	Jones (OH)
Boehlert	Emanuel	Kanjorski
Boehner	Emerson	Kaptur
Bonilla	Engel	Kelly
Bonner	English	Kennedy (RI)
Bono	Etheridge	Kildee
Boozman	Evans	Kilpatrick
Boswell	Farr	Kind
Boucher	Fattah	King (NY)
Boyd	Ferguson	Kirk
Bradley (NH)	Filner	Klecza
Brady (PA)	Fletcher	Knollenberg
Brown (OH)	Foley	Kolbe
Brown (SC)	Forbes	LaHood
Brown, Corrine	Ford	Lampson
Brown-Waite,	Fossella	Langevin
Ginny	Frank (MA)	Lantos
Burns	Frelinghuysen	Larsen (WA)
Burr	Frost	Larson (CT)
Burton (IN)	Gallegly	Latham
Buyer	Garrett (NJ)	LaTourette
Calvert	Gerlach	Leach
Camp	Gibbons	Lee
Capito	Gilchrest	Levin
Capps	Gillmor	Lewis (CA)
Capuano	Gonzalez	Lewis (GA)
Cardin	Goode	LoBiondo
Cardoza	Goodlatte	Lofgren
Carson (IN)	Gordon	Lowe
Carson (OK)	Granger	Lucas (KY)
Case	Green (TX)	Lucas (OK)
Castle	Greenwood	Majette
Clay	Grijalva	Maloney
Clyburn	Gutierrez	Manzullo
Cole	Hall	Markey
Conyers	Harman	Marshall
Cooper	Harris	Matheson
Costello	Hart	Matsui
Cramer	Hastings (FL)	McCarthy (MO)
Crenshaw	Hayes	McCarthy (NY)
Crowley	Hill	McCollum
Cummings	Hinchey	McDermott
Davis (AL)	Hinojosa	McGovern

McHugh	Portman	Solis
McIntyre	Price (NC)	Souder
McKeon	Pryce (OH)	Spratt
McNulty	Putnam	Stark
Meehan	Quinn	Stearns
Meek (FL)	Rahall	Stenholm
Meeks (NY)	Rehberg	Strickland
Menendez	Renzi	Stupak
Mica	Reyes	Sweeney
Michaud	Reynolds	Tanner
Millender-	Rogers (AL)	Tauscher
McDonald	Rogers (KY)	Tauzin
Miller (MI)	Rogers (MI)	Taylor (MS)
Miller (NC)	Ros-Lehtinen	Taylor (NC)
Miller, George	Ross	Thomas
Moore	Rothman	Thompson (CA)
Moran (KS)	Ruppersberger	Thompson (MS)
Moran (VA)	Rush	Tiberi
Murphy	Ryan (OH)	Tierney
Murtha	Sabo	Towns
Nadler	Sanchez, Linda	Turner (OH)
Napolitano	T.	Turner (TX)
Neal (MA)	Sanchez, Loretta	Udall (CO)
Nethercutt	Sanders	Udall (NM)
Ney	Sandlin	Upton
Norwood	Saxton	Van Hollen
Nunes	Shakowsky	Velazquez
Nussle	Schiff	Visclosky
Oberstar	Schrock	Walden (OR)
Obey	Scott (GA)	Walsh
Olver	Scott (VA)	Walters
Ortiz	Serrano	Watson
Osborne	Shaw	Watt
Ose	Shays	Weiner
Owens	Sherman	Weldon (FL)
Oxley	Sherwood	Weldon (PA)
Pallone	Shimkus	Weller
Pascrell	Shuster	Wexler
Pastor	Simmons	Whitfield
Pelosi	Simpson	Wilson (NM)
Peterson (MN)	Skelton	Wolf
Pitts	Slaughter	Wu
Platts	Smith (NJ)	Wynn
Pomeroy	Smith (WA)	Young (FL)
Porter	Snyder	

NOT VOTING—22

DeGette	Lynch	Roybal-Allard
Eshoo	Mollohan	Sessions
Feeney	Myrick	Tiahrt
Gephardt	Payne	Waxman
Janklow	Pickering	Woolsey
John	Rangel	Young (AK)
Kucinich	Regula	
Lipinski	Rodriguez	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1757

Mr. GINGREY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LYNCH. Mr. Chairman, on rollcall No. 470 had I been present, I would have voted "no."

AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 228, not voting 20, as follows:

[Roll No. 471]

AYES—186

Abercrombie	Grijalva	Michaud
Ackerman	Gutierrez	Millender-
Alexander	Gutknecht	McDonald
Allen	Hall	Miller (MI)
Andrews	Harman	Miller (NC)
Baca	Harris	Miller, George
Baird	Hastings (FL)	Murtha
Baldwin	Hill	Nadler
Ballance	Hinchey	Napolitano
Beauprez	Hinojosa	Neal (MA)
Becerra	Hoefel	Owens
Bell	Holt	Pallone
Berkley	Honda	Pascrell
Berry	Hooley (OR)	Paul
Bishop (GA)	Houghton	Pelosi
Bishop (NY)	Insee	Peterson (MN)
Blumenauer	Israel	Rahall
Boswell	Jackson (IL)	Rahstad
Boyd	Jackson-Lee	Ros-Lehtinen
Brady (PA)	(TX)	Ross
Brown (OH)	Jefferson	Ruppersberger
Brown, Corrine	Johnson, E. B.	Rush
Capps	Jones (OH)	Ryan (OH)
Cardoza	Kanjorski	Sanchez, Linda
Carson (IN)	Kaptur	T.
Carson (OK)	Kennedy (MN)	Sanchez, Loretta
Case	Kennedy (RI)	Sanders
Clay	Kildee	Sandlin
Clyburn	Kilpatrick	Schakowsky
Conyers	Kind	Schiff
Cooper	Klecza	Scott (GA)
Crowley	Kline	Scott (VA)
Cummings	LaHood	Shaw
Davis (AL)	Lampson	Sherman
Davis (CA)	Langevin	Skelton
Davis (FL)	Lantos	Slaughter
Davis (IL)	Larsen (WA)	Smith (WA)
Davis (TN)	Leach	Snyder
DeFazio	Lee	Solis
Delahunt	Levin	Stark
Deutsch	Lewis (GA)	Stenholm
Diaz-Balart, L.	Lofgren	Strickland
Dingell	Lowe	Stupak
Doggett	Lucas (KY)	Tanner
Dooley (CA)	Lynch	Tauscher
Doyle	Majette	Terry
Duncan	Maloney	Thompson (CA)
Edwards	Markey	Thompson (MS)
Emanuel	Marshall	Tierney
Engel	Matheson	Towns
Eshoo	Matsui	Turner (TX)
Etheridge	McCarthy (MO)	Udall (CO)
Evans	McCarthy (NY)	Udall (NM)
Fattah	McCollum	Upton
Filner	McDermott	Van Hollen
Foley	McGovern	Velazquez
Frank (MA)	McHugh	Visclosky
Frost	McIntyre	Waters
Gillmor	McNulty	Watt
Gonzalez	Meehan	Weiner
Goodlatte	Meek (FL)	Wexler
Gordon	Meeks (NY)	Wu
Green (TX)	Menendez	Wynn

NOES—228

Aderholt	Burgess	Davis, Tom
Akin	Burns	Deal (GA)
Bachus	Burr	DeLauro
Baker	Burton (IN)	DeLay
Ballenger	Buyer	DeMint
Barrett (SC)	Calvert	Diaz-Balart, M.
Bartlett (MD)	Camp	Dicks
Barton (TX)	Cantor	Doolittle
Bass	Capito	Dreier
Bereuter	Capuano	Dunn
Biggert	Cardin	Ehlers
Bilirakis	Carter	Emerson
Bishop (UT)	Castle	English
Blackburn	Chabot	Everett
Blunt	Chocola	Farr
Boehlert	Coble	Feeney
Boehner	Cole	Ferguson
Bonilla	Collins	Flake
Bonner	Costello	Fletcher
Bono	Cox	Forbes
Boozman	Cramer	Fossella
Boucher	Crane	Franks (AZ)
Bradley (NH)	Crenshaw	Frelinghuysen
Brady (TX)	Cubin	Gallegly
Brown (SC)	Culberson	Garrett (NJ)
Brown-Waite,	Cunningham	Gerlach
Ginny	Davis, Jo Ann	Gibbons

Gilchrest
Gingrey
Goode
Goss
Granger
Graves
Green (WI)
Greenwood
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter

McCreary
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Rothman
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—20

Berman
Cannon
DeGette
Ford
Gephardt
Janklow
John

Kucinich
Mollohan
Myrick
Payne
Pickering
Rangel
Regula

Rodriguez
Roybal-Allard
Watson
Waxman
Woolsey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1805

Mr. LARSON of Connecticut changed his vote from "aye" to "no."

Mr. DOGGETT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MS. HOOLEY OF OREGON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 203, not voting 18, as follows:

[Roll No. 472]

AYES—213

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Caroza
Carson (IN)
Carson (OK)
Carter
Case
Klecza
Lampson
Langevin
Lantos
Larsen (WA)
Larsen (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall

Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Lucas (KY)
Lynch
Majette
Maloney
Markey
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Weiner
Weldon (PA)
Wexler
Wu
Wynn

NOES—203

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggett
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehkert
Boehner
Bonilla

Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito

Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.

Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCreary
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otte
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Portman
Pryce (OH)

Putnam
Quinn
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—18

Berman
Cannon
DeGette
Gephardt
Janklow
John

Kucinich
Mollohan
Myrick
Payne
Pickering
Rangel

Regula
Rodriguez
Roybal-Allard
Waxman
Woolsey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1813

Mr. DUNCAN changed his vote from "aye" to "no."

Mr. TANCREDO and Mr. ROYCE changed their vote from "no" to "aye." So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 89, noes 325, not voting 20, as follows:

[Roll No. 473]

AYES—89

Akin	Green (WI)	Osborne
Barrett (SC)	Gutknecht	Ose
Bartlett (MD)	Hastings (WA)	Otter
Barton (TX)	Hayworth	Pence
Beauprez	Hefley	Peterson (PA)
Blackburn	Hensarling	Petri
Brady (TX)	Herger	Pombo
Burgess	Hostettler	Ramstad
Burr	Hunter	Ros-Lehtinen
Cantor	Isakson	Royce
Carter	Istook	Ryan (WI)
Chabot	Jenkins	Ryun (KS)
Chocola	Johnson, Sam	Sensenbrenner
Coble	Jones (NC)	Sessions
Collins	Keller	Shadegg
Cox	Kennedy (MN)	Smith (MI)
Crane	King (IA)	Smith (TX)
Cubin	Kline	Souder
Culberson	Lewis (KY)	Stearns
DeLay	Linder	Sullivan
DeMint	McCotter	Tancredo
Diaz-Balart, L.	McCreery	Taylor (MS)
Diaz-Balart, M.	McIntyre	Terry
Doolittle	Mica	Thornberry
Everett	Miller (FL)	Tiahrt
Flake	Miller (MI)	Wamp
Fletcher	Miller, Gary	Weldon (FL)
Franks (AZ)	Musgrave	Wicker
Gingrey	Neugebauer	Wilson (SC)
Graves	Northup	

NOES—325

Abercrombie	Cooper	Grijalva
Ackerman	Costello	Gutiérrez
Aderholt	Cramer	Hall
Alexander	Crenshaw	Harman
Allen	Crowley	Harris
Andrews	Cummings	Hart
Baca	Cunningham	Hastings (FL)
Bachus	Davis (AL)	Hayes
Baird	Davis (CA)	Hill
Baker	Davis (FL)	Hinchee
Baldwin	Davis (IL)	Hinojosa
Ballance	Davis (TN)	Hobson
Ballenger	Davis, Jo Ann	Hoefel
Bass	Davis, Tom	Hoekstra
Becerra	Deal (GA)	Holden
Bell	DeFazio	Holt
Bereuter	Delahunt	Honda
Berkley	DeLauro	Hooley (OR)
Berry	Deutsch	Houghton
Biggart	Dicks	Hoyer
Bilirakis	Dingell	Hulshof
Bishop (GA)	Doggett	Hyde
Bishop (NY)	Dooley (CA)	Inslee
Bishop (UT)	Doyle	Israel
Blumenauer	Dreier	Issa
Blunt	Duncan	Jackson (IL)
Boehler	Boehner	Jackson-Lee
Boehner	Edwards	(TX)
Bonilla	Ehlers	Jefferson
Bonner	Emanuel	Johnson (CT)
Bono	Emerson	Johnson (IL)
Boozman	Engel	Johnson, E. B.
Boswell	English	Jones (OH)
Boucher	Eshoo	Kanjorski
Boyd	Etheridge	Kaptur
Bradley (NH)	Evans	Kelly
Brady (PA)	Farr	Kennedy (RI)
Brown (OH)	Fattah	Kildee
Brown (SC)	Feeney	Kilpatrick
Brown, Corrine	Ferguson	Kind
Brown-Waite,	Filner	King (NY)
Ginny	Foley	Kingston
Burns	Forbes	Kirk
Burton (IN)	Ford	Kleczka
Buyer	Fossella	Knollenberg
Calvert	Frank (MA)	Kolbe
Camp	Frelinghuysen	LaHood
Capito	Frost	Lampson
Capps	Gallegly	Langevin
Capuano	Garrett (NJ)	Lantos
Cardano	Gerlach	Larsen (WA)
Cardoza	Gibbons	Larson (CT)
Carson (IN)	Gilchrest	Latham
Carson (OK)	Gillmor	LaTourette
Case	Gonzalez	Leach
Castle	Goode	Lee
Clay	Goodlatte	Levin
Clyburn	Goss	Lewis (CA)
Cole	Green (TX)	Lewis (GA)
Conyers	Greenwood	Lipinski

LoBiondo	Pallone	Simmons
Lofgren	Pascrell	Simpson
Lowe	Pastor	Skelton
Lucas (KY)	Paul	Slaughter
Lucas (OK)	Pearce	Smith (NJ)
Lynch	Pelosi	Smith (WA)
Majette	Peterson (MN)	Snyder
Maloney	Pitts	Solis
Manzullo	Platts	Spratt
Markey	Pomeroy	Stark
Marshall	Porter	Stenholm
Matheson	Portman	Strickland
Matsui	Price (NC)	Stupak
McCarthy (MO)	Pryce (OH)	Sweeney
McCarthy (NY)	Putnam	Tanner
McCollum	Quinn	Tauscher
McDermott	Radanovich	Tauzin
McGovern	Rahall	Taylor (NC)
McHugh	Rehberg	Thomas
McInnis	Renzi	Thompson (CA)
McKeon	Reyes	Thompson (MS)
McNulty	Reynolds	Tiberi
Meehan	Rogers (AL)	Tierney
Meek (FL)	Rogers (KY)	Toomey
Meeks (NY)	Rogers (MI)	Towns
Menendez	Rohrabacher	Turner (OH)
Michaud	Ross	Turner (TX)
Millender	Rothman	Udall (CO)
McDonald	Ruppersberger	Udall (NM)
Miller (NC)	Rush	Upton
Miller, George	Ryan (OH)	Van Hollen
Moore	Sabo	Velazquez
Moran (KS)	Sanchez, Linda	Visclosky
Moran (VA)	T.	Vitter
Murphy	Sanchez, Loretta	Walden (OR)
Murtha	Sanders	Walsh
Nadler	Sandlin	Walters
Napolitano	Saxton	Watson
Neal (MA)	Schakowsky	Watt
Nethercutt	Schiff	Weiner
Ney	Schrock	Weldon (PA)
Norwood	Scott (GA)	Weller
Nunes	Scott (VA)	Wexler
Nussle	Serrano	Whitfield
Oberstar	Shaw	Wilson (NM)
Obey	Shays	Wolf
Olver	Sherman	Wu
Ortiz	Sherwood	Wynn
Owens	Shimkus	Young (FL)
Oxley	Shuster	

NOT VOTING—20

Berman	John	Regula
Cannon	Kucinich	Rodriguez
DeGette	Mollohan	Roybal-Allard
Gephardt	Myrick	Waxman
Gordon	Payne	Woolsey
Granger	Pickering	Young (AK)
Janklow	Rangel	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1821

So the amendment was rejected. The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments to this portion of the bill, the Clerk will read.

The Clerk read as follows:

JOB ACCESS AND REVERSE COMMUTE GRANTS
Notwithstanding section 3037(l)(3) of Public Law 105-178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, \$17,000,000, to remain available until expended: *Provided*, That no more than \$85,000,000 of budget authority shall be available for these purposes: *Provided further*, That up to \$200,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

POINT OF ORDER

The CHAIRMAN. For what purpose does the gentleman from Florida (Mr. MICA) rise?

Mr. MICA. Mr. Chairman, I wish to raise a point of order on this section.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I make a point of order against the phrase, in quotes, Notwithstanding section 3037(l)(3) of Public Law 105-178, as amended, end quotes, beginning on page 51, line 12. This phrase waives the statutory distribution of funds specified in TEA-21 for the job access and reverse commute grants program. In doing so it makes possible report language earmarking of projects that under section 3037(g) of TEA-21 must be selected on a competitive basis.

In addition, it negates the formula allocation of the program based on community size as is required by section 3037(l)(3) of TEA-21. This blanket waiver is legislative in nature and in violation of rule XXI.

The CHAIRMAN. Do any Members wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we would concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The cited language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—FEDERAL TRANSIT AUTHORITY

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2006, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2003, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. None of the funds in this Act shall be made available for the design, construction, or maintenance of any segment of a light rail system in Houston that has not been specifically approved by a majority of the participating voters in the Houston Metropolitan Transit Authority service area in a referendum.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas.

Beginning on page 52, strike line 22 and all that follows through page 53, line 2.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank my colleagues for indulging us on what I believe is a point that can be embraced by all of my friends and colleagues and Members of this body on both sides of the aisle. It is a simple point, Mr. Chairman, that we are asking for, and I

might in this very costly bill which I happen to support, let me suggest to my colleagues that I am not asking for any money nor am I asking for any Member to intrude in local matters.

In fact, this has to do with the Houston rail system that many Members who have been here for a period of years have had the pleasure of hearing debated over a long, extended time frame.

I could have come to the floor of the House of Representatives and offered an amendment to change the framework which has been established in the local community. Right now we have a plan that will be put on a November 4, 2003 ballot, an election plan, that indicates that the first stage of building a rail in Houston would be 22 miles.

I could have offered an amendment to suggest to instruct my local authority to have it be 39 miles. But I prefer, Mr. Chairman, to go to my local authority and engage in debate and discourse and work it through the community. Why is that? Because the local Metro board has proceeded through the community and engaged all of the voters on a very simple question, the question of whether or not we will have rail in Houston, Texas, and whether or not we will secure or attempt to secure Federal funding.

□ 1830

All of what has occurred over the last year should be a compliment and a tribute to local involvement. The Houston Metro Board, chaired by Arthur Schecter, has held a number of hearings throughout the community. They have held a number of board meetings of which they have voted on a 72-mile program for the Houston/Harris County area.

Again, let me emphasize to my colleagues, I ask you for nothing but to remove the language that is a limitation that suggests that no action can be taken unless Houston/Harris County has a referendum. Mr. Chairman, we have already agreed to have a referendum. There is a time certain and a date certain upon which that referendum will be held, November 4, 2003.

The chairman of the committee, Mr. Chairman, Chairman Schecter, said the entire community must address this issue now, that is transit. The community can no longer afford to be divided. Chairman Schecter stated that other areas in the Nation are making significant strides in transit development and we must do the same. He noted that by the way of a resolution, 99-105, the Metro Board adopted a 21st century, high-capacity transit vision which provided a conceptual framework of development of high-capacity transit in our major travel corridors.

In addition, we will have a specific and direct ballot issue on the November election. I would also like to say that the Houston Partnership, our chamber has just yesterday agreed to be supportive of this effort and reiterated that we will have a referendum.

All I am asking my colleagues to do is to eliminate the redundant language in this legislation, section 163, that has no basis in purpose. It is not instructive because we have already agreed by board authority, by ordinance, the requirement to have a referendum. All this does is confuse both Members of Congress and agencies that will ultimately have to interpret this language and try to understand what they were saying in Houston, Texas. Are we divided, are we confused, and that is not the case. The voters of Houston/Harris County in the State of Texas will have the authority of going forward at that time.

There was a point made at one of the board meetings, Mr. Chairman, where there was an issue regarding when the referendum would be held, whether there was a rush to have a referendum. It was responded to by the very proponent that there is no Federal requirement causing Metro to rush toward a referendum. By the very same token, there is no Federal requirement for language to be in this appropriations bill dealing with a local issue such as the Houston Metro plan. There is no Federal requirement to have language instructing us to have a referendum when we have already decided to do so. Again, my colleagues, I have come not to ask for more money. I hope that we will get in a posture to do so. I have come not to implode the decisions of the local community because I will choose, as many of my colleagues will choose to do, to work locally with the mayor, the county government, the Metro Board and the business community on that issue as well as the citizens of that area.

I would simply say that I would ask my amendment to be accepted by my colleagues because of the necessity of this legislation.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the gentlewoman from Houston and her arguments. However, I rise in opposition to the amendment. If a referendum is scheduled in Harris County, then if the voters in Harris County approve it, they have satisfied the requirements of the language in the bill. However, if we remove the language in the bill and the voters say no, then they are not protected from anyone seeking to do an end run. The language in the bill merely assures that the will of the voters will prevail. If the voters have a referendum and the referendum says yes, they have satisfied the conditions in the bill, and there is no limitation. However, if the voters have a referendum and they say no, then all that the language in the bill does is to give meaning to what the voters said and to give assurance that the will of the people will prevail.

I oppose the amendment by the gentlewoman from Texas and ask that it be defeated.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I understand why the proponent of the amendment has offered it. Most of the proposed rail in Houston would be built in her district to the exclusion of most of the suburbs and the rest of the region participating in the rail system. So this is a very controversial issue, and this bill tries to make sure that the people on the local level will have a voice in what will be proposed and ultimately will ask for Federal funds.

Section 163 of this bill actually prohibits Houston Metro from using funds to build a light rail system until a specific plan is approved in a local referendum. After all, the city's people will bear the brunt of the multi-billion-dollar price tag, so they should have a say in whether the project moves forward.

This is a huge financial burden for the people of the Houston area, many of whom I represent. The project's ultimate usefulness is still uncertain. That is why the Transportation Appropriations bills for each of the last 4 years, which this amendment's author voted for, have included similar provisions to guarantee affected residents the right to have their voice heard in this matter. It is also why the gentleman from Texas (Mr. CULBERSON) and I worked closely with officials at Houston Metro when we were writing this provision to give Metro flexibility should the voters approve the light rail project.

The referendum that we are talking about is scheduled for this November, and the current proposal on the ballot begs many questions. For instance, if, as studies conclude, new jobs and people are moving in droves to the Houston suburbs, why would we spend billions of dollars on a centralized, downtown rail system? Is a multi-billion-dollar light rail system the best use of our resources when studies conclude that new roads, highway lanes and busing systems have been less costly and more effective than light rail around the country? With an ever-sprawling population, will light rail be convenient enough to attract commuters?

And finally, an important question Metro has not answered yet, how does a massively expensive light rail system, accounting for a small fraction of area trips, fit into Houston's long-term 100 percent mobility plan?

I do not have all the answers, but neither does the author of the amendment. Patience has been our policy for 4 years, and I think it makes sense for another 2 months.

Vote "no" on the amendment and make sure that the people of Houston have their voices heard.

Mr. BELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to ask what I think is a very fair question. Why is the Federal Government telling the city of Houston that it has to have yet another referendum on rail in order to get Federal rail funding that has been offered without any type of election to

every other major American city? We have already had one referendum in Houston on rail, and we are going to have another in November as mandated by Texas State law. There is simply no need whatsoever to have similar language included in this Transportation Appropriations bill we are considering here today. So I am rising in support of this amendment which strikes that language.

Why is it necessary to continue to single out the city of Houston on rail funding issues in Federal legislation? It makes absolutely no sense. I think it is a travesty that anyone would go out of his way to add language to the Appropriations bill that specifically targets Houston and try once again to deny our community the Federal funding it desperately needs to break the gridlock. What happened to the concept of local control that we hear the Republicans so often trumpet as their greatest cause in life?

In the end, this amendment is not about whether or not you support rail. It is about local control. Let us give the city of Houston the local control it deserves to determine its own course just as we give every other city in the United States that right. The language in this bill is unnecessary and solely designed to impede the enormous efforts made by Houston community leaders to get light rail working for the city of Houston. Enough is enough. The referendum is on the November ballot, and I believe it will pass. It is time to stop playing games with the very real problems of one of our country's largest cities and let Houston get on with business, unencumbered by Federal interference.

Mr. Chairman, as we pass this Transportation Appropriations bill, let us be serious about local control. Let us be serious about allowing American cities like Houston to find real transportation solutions. Stand up for local control of our cities and vote for this important amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the gentleman's comment. I might share with his point of view on local control to reemphasize that this is not a plan that is district-based. It is a plan that crosses a multitude of congressional districts, though we are not the prime arbiter of how the plan is to be designed. This goes into counties beyond Harris County. It includes Fort Bend. The small city representatives on the board were enthusiastic about the 72.8-mile plan and as well the Greater Houston Partnership, which is our chamber, voted on September 3, 2003, to acknowledge that the plan that will be on the ballot includes local and express bus service, buses, new transit centers, additional park and rides and other bus-related facilities and 72.8 miles of rail projects as delineated on a map attached to the

resolution, a very expansive, if you will, effort by our community.

I think this impacts all of us and the decision should be left to those of whom will be impacted.

Mr. BELL. Mr. Chairman, the gentlewoman is absolutely correct. It is all about local control. If we are going to be serious about being in favor of local control, then this amendment definitely deserves a "yes" vote.

Mr. CULBERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to join the chairman and our majority leader in opposition to this amendment because the language in the Appropriations bill, which this amendment would strike, simply guarantees the people of Houston the opportunity not only to vote and approve any rail system in Houston, but this language also assures the people of Houston that they will be told on the ballot where specifically the rail lines would be built.

I worked this language, developed and wrote this language in careful cooperation with the Metro authorities. Metro's representative here in Washington signed off and approved of this language. They were comfortable with it. I did it in careful consultation with them. Indeed, State law in Texas does require an election for bonding authority, but State law in Texas has no requirements, there are no guidelines in Texas law on what the ballot should look like. So this Federal language is an essential part of the equation in Houston for voters in Houston to have a good, clear understanding of not only how much this rail line is going to cost us as taxpayers, but, more importantly, where it is going to be built.

The language in the bill is very reasonable, and as the gentleman from Oklahoma (Mr. ISTOOK) has said, it is an essential, we think, first step for, frankly, any transit system anywhere in the country to be able to move forward with a plan that would cost billions of dollars. In fact, this rail system in Houston will ultimately cost, if the voters approve it this November, \$5.8 billion. That would make this rail system in Houston the Nation's second most expensive transportation project, second only to the Big Dig, the tunnel project in Boston.

The amendment would seek to strike language which would give the taxpayers of Houston the right to approve by majority vote this rail project. The amendment would strike the right of the people of Houston to see where, specifically, the rail lines are going to be built. I would urge, as the majority leader and the chairman have done, the Members to vote against the amendment. This is not the place to debate the merits of this rail line.

I note that the author of the amendment, the gentlewoman from Texas, has expressed her support for this rail line. I would welcome an opportunity and, in fact, invite her to debate me in Houston on the merits of this rail plan.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CULBERSON. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman made a point of cost and made a point that this amendment would strike the referendum. Let me correct the record. The community board, Metro Board, has voted to have a duly authorized election and referendum on November 4, 2003. This is redundant and unnecessary, and we have collaborated in Houston, as my good colleague and friend knows, where we have even generated the support of the Partnership, we have given the voters a chance to make their own decision, and I invite my friends on the other side of the aisle to vote for local emphasis and local impact and local decision.

Mr. CULBERSON. If I could, reclaiming my time, this is not the place to debate the merits of this plan. Would the gentlewoman debate me in Houston on the merits of this plan?

Ms. JACKSON-LEE of Texas. I think that we will have that opportunity as the election proceeds.

Mr. CULBERSON. I look forward to that opportunity.

Ms. JACKSON-LEE of Texas. I will be happy to debate in the course of the election, in the forums of my choosing.

Mr. CULBERSON. Reclaiming my time, this language was worked out with the assistance and cooperation of Metro. I urge my colleagues to vote "no" against the amendment to guarantee Houston voters the right to approve this plan.

□ 1845

Mr. LAMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too rise in support of this amendment that has been put forth by the gentlewoman from Texas (Ms. JACKSON-LEE). This amendment would provide the citizens of Houston the opportunity to decide their fate regarding the construction of light rail. This is something that is local. It is something that makes a difference to Houston. We ought to be making those decisions for ourselves. For far too long this Congress has arbitrarily revoked the rights of Houstonians to make significant infrastructure decisions. Quite frequently I have heard many of my colleagues on both sides of the aisle rise in support of allowing significant decisions which affect localities to be made at the local level. Communities should have the opportunity to determine what is in their best interests.

Houston is a city which is rapidly growing. It is splintering at the seams because of lack of necessary infrastructure. The citizens of Houston have attempted for years to build light rail, but they have been stymied at almost every attempt. And as a member of the Committee on Transportation and Infrastructure, I certainly recognize the importance of having multiple modes

of transportation available to metropolitan areas.

Houston now suffers some of the worst highway congestion in the Nation. The average commute for Houstonians is over an hour. Mr. Chairman, Congress should not and must not be in the business of micromanaging the politics of localities. The city of Houston has asked for and they should receive the same treatment as any other metropolitan areas that have been granted access to Federal funds for light rail. Let us do what is right for Houston. Interestingly enough, they have reached across party lines; they have reached out across ideological lines. They came together in a compromise that is putting this issue on the ballot on November 4. They have done an extraordinary effort to do what is right for themselves, and all we are asking for is that we leave them alone and let them make the decisions for Houston. Let us do what is right for Houston. And I do urge a "yes" vote for this amendment offered by the gentleman from Texas (Ms. JACKSON-LEE).

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. LAMPSON. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I understand Houston is a very special place, but is there some reason why it is so special that it is apparently the only city in the entire 50 States, in the entire United States, that has been singled out for this special treatment?

Mr. LAMPSON. Mr. Chairman, that is what we understand. We also understand it is the single largest city that does not have this kind of infrastructure that the citizens themselves have chosen to put into place and definitely want to have.

Mr. DOGGETT. Mr. Chairman, there is a group down, I think, in San Antonio but they are just against all public transportation. They have an ideological commitment that they do not believe in public anything, I think; but they certainly do not believe in public transportation or public rail transportation. They are just against it as a matter of principle. If we had one of these extremist groups come in, could they use this as a precedent to apply to Beaumont and to Austin and to other cities across Texas and across the United States?

Mr. LAMPSON. Mr. Chairman, I imagine when a precedent is set, it could be used in other places. It would be the wrong direction for us to go in for this.

Mr. DOGGETT. Mr. Chairman, we have had a referendum in the city of Austin; and by about a percentage point, a 1 percent point, the idea of a light rail system was defeated, and I am actually interested in seeing what the citizens of Austin think if this issue comes up again; but we do not have any Federal law requirement telling us if we do not approve it again that we will never be eligible for Federal funds, and in fact, we have some

Federal planning funds that are in the transportation authorization this last time, and I expect there is a good chance they will be in there again. But this would be the kind of precedent that could restrict people who want public transportation who do not agree with these right wing ideologues and extremists that are against all public transportation. This would be a precedent where they could come in and interfere with the people in my district.

Mr. LAMPSON. Mr. Chairman, we truly do not want to restrict the rights or interests of a community to be able to choose for themselves what they want, and in this case Houston has said let us bring it to the people on November 4. They have the referendum set. They are going to speak. They want to do for themselves what they can do and then reach out to the Federal Government for the assistance that is there for other communities. We do not want the kind of precedent that the gentleman is speaking about set.

Mr. DOGGETT. Mr. Chairman, if I understand the history of this, this would not be the first time that a Federal-elected official had interfered in the desire of the people of Houston, the support of the business community in Houston to get public transportation; but it would be the first time that instead of just one individual going down and interfering in it, it was written into Federal law where the full force and effect of Federal law would interfere with the will of the people of Houston.

Mr. LAMPSON. Mr. Chairman, we do not want any Federal officials impacting. We want to reach out and make sure the people of Houston have their own say in this matter.

Mr. BRADY of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand my colleague from Houston's strong advocacy for light rail, but I am afraid that at this late date this amendment is at best immaterial and perhaps, I think, undermines the voices of the voters in our Houston region. Today on the House floor we are rehashing a delegation disagreement about the need for a referendum that has been really rendered moot. As we speak, a referendum on light rail is being held, scheduled for just a few weeks from now. For more than a year, the community has undergone and continues a detailed and highly public debate about the scope and the merits of light rail for the Houston region. Seemingly every corner in every neighborhood and every party interested in this issue has offered input, and soon an informed electorate will head to the polls to make their voices known about this issue.

Who in our region would dispute that this has been a healthy debate on an important issue that will impact the region for decades to come? It has been a welcomed debate based solely because of existing language in Federal

law. But under this amendment today, what we will tell Houston voters is, if they approve light rail, it can go forward. If they reject light rail, it can go forward as well. We have made this referendum meaningless. On the eve of this election to attempt to nullify or dismiss this very healthy public referendum it will have the effect of disenfranchising tens of thousands of Houston area voters who simply wish to have their voices heard. Let us trust the voters. We certainly have the choice of who should represent them in Congress. We need to let the referendum go forward and let it matter. The voters deserve no less.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

First of all, let me say to all of our colleagues, we are almost going to hear from every Member who represents a section of Harris County and the city of Houston. As we can tell, there is difference of opinion, but there is also some misinformation. Let me correct what has been said. There is a referendum on the ballot for November. No matter what we do today, there will be a referendum on the ballot. The ballot language may be changed in a couple of weeks, but the issue of bonds under State law is what our local Metro board has to do. They have to have a referendum. And that referendum will be about a plan, at least the first installment, we hope, of a plan that will really bring more light rail to Houston.

It will serve more than what is already planned. We already have a 7.5 mile segment that is built with local money because of the original amendment in this bill that serves from downtown out to our football stadium and the Astrodome and serves the medical center and Rice University and lots of areas in between; but to serve areas in my district, we have to have a referendum. To serve northside and east end of Houston, we have to have a referendum, and that is why we do not need this language in the bill.

It is important that Houston is the only city in the country that has been held to this higher standard. Granted, the amendment that is in the bill by the gentleman from Texas (Mr. CULBERSON) is better than the original language, but we are still spelling out that they have to put the projects in the referendum. We do not do that for any other city, in fact, cities that are much smaller than the fourth largest city in the country. That is why it is unfair to do this. I was an opponent of heavy rail because I think in Houston we are so geographically diverse, and for years as a legislator I opposed it; but I watched how other cities in the country have used light rail, and it hurts me as a Houstonian to say that even the city of Dallas is successfully using light rail and Federal dollars to expand without jumping through the hoops that we would require them to do if the original language in this bill is done.

That is why I rise in support of the gentlewoman from Texas's (Ms. JACKSON-LEE) amendment. Again, two of those lines that are on the ballot that will be approved come to my area. They are not all in district 18. They serve an area near east end.

I represent a district that is very urban and also suburban; so I realize we need light rail along with lots of highway construction; and for years it have been known that I love to build highways, but I also know we cannot build them fast enough in Houston to solve the problems of transit any more than Dallas could, any more than any other part of the country, any other urban area in the country can do it. That is why we need to take all the language out of the bill and let the Houstonians and the people who are in that metro area pass this bond election in November and expand the light rail with Federal funding like many cities that are much smaller than us.

Unfortunately, this legislation prohibits the use of Federal funds for planning, designing and building this light rail unless it is itemized in there. And as much as I would like to see my two projects in my area itemized, the city of Houston or any city does not list in their bond what water projects they are going to do. They are going to do as many as they can because they need to have that local flexibility. But I will tell the Members what, if Metro does not do the plan that they have, I would be the first one back up here to say wait a minute, they fooled the voters of Houston and they will be punished for that. They should not do that.

Do not hold the city of Houston and my constituents to a higher standard than we hold Dallas, than we hold any other city in the country, including many that are much smaller. We have a referendum plan. The voters will make that decision this November, and let us let the voters make that decision with their Federal tax dollars to help with light rail, and that is why I support the Jackson-Lee amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman, having been a former State senator, for the clarification of State law. I think that is extremely important. And I want to just hold up for my colleagues the minutes of Metro board over the last 30 days which affirm the very points that the gentleman from Texas (Mr. GREEN) has made. They voted an overall plan that is 72.8 miles. Ultimately, the segments will have to be bonded. That requires an election. Those miles will be designed to go into urban and suburban and even somewhat rural areas because that is the configuration and the geography of the Houston/Harris County metroplex area. My good friends that are here will have the opportunity to have light rail in their respective communities. In fact,

the small city representatives on the board that represent the Fort Bend area, for example, are enthusiastic about a rail system that would come to a city like Sugarland. But the point is that the board did vote to have a referendum, and it is not necessary to be in this bill.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the gentlewoman's amendment. Mr. Chairman, I think this Congress really should leave local decisions with local communities. We really should not try to run Houston as if we were the City Council for Houston or the Houston Metro Authority. That would put Houston in the same unenviable position that our own capital city where this body sits is in, and that would be inappropriate.

The Texas Metro Board has already held the public hearings that are necessary under the law. Furthermore, the referendum required by the language of section 163 has already been scheduled for November 4. So section 163 is clearly unnecessary. The referendum is already scheduled for the entire Houston area. I would urge an "aye" vote on the Jackson-Lee amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all, I want to thank the ranking member very much for his ability to dissect the language. And I want to make the point that this is not, though it may seem, likely a discussion of those who are for or against rail.

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That is not the debate here. I would not draw my colleagues into that kind of personalized debate.

The test is simply, as the gentleman from Massachusetts (Mr. OLVER) has indicated: The local governing authorities, including Harris County, the City of Houston, led by Mayor Lee P. Brown, our civic community, the partnership, the actual Metro board that has representatives of county government, city government, and small surrounding cities, have already acted, and their act is that we will have a referendum on November 4, 2003, and subsequently will have other referendums as the light rail would be expanded, if approved by the voters.

What we are suggesting, as my good friend from Austin said, we are the only city in this Nation where this intrusive language, this really restrictive language that has no basis in fact or substance, it is redundant, repetitious and unnecessary, what we are suggesting to my friends and colleagues, I cannot imagine why both ends of the spectrum could not support eliminating this language, particularly when we all have some respect for the 10th amendment, which really suggests that there are certain items that

should be left to the States and local communities. That is all we are asking to do, is simply strike this language.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a former elected official at the local level and knowing the importance of joint powers of authority, I rise to support the Jackson-Lee amendment.

I cannot understand why Houston should be held to a higher standard than any other city in this Nation. As a senior member on the Committee on Transportation and Infrastructure, I am cognizant of the fact that light rail is the driving force in cities across this country. It is important that light rail becomes part of the Houston intermodal transportation because of the rapid increase in population in Houston.

So we should not leave the fate of the Houston light rail system to the Houstonians and the stakeholders of Harris County? The people of Houston have been fighting for years to develop a light rail system that will help to reduce traffic congestion. We know the importance of reducing congestion now, and this is one of the reasons in the Committee on Transportation and Infrastructure we are fighting to try to bring about light rail, because of the congestion and to maximize regional mobility and ensure adequate funding for transportation improvements to maintain Houston's status as an attractive place to live.

It is important that we look at cities like Houston in trying to move the congestion by bringing on light rail. This is why the Texas Metro Board has held public hearings to obtain the input of the voting public of Harris County in Houston, Texas. A referendum will be held on November 4, 2004, to cover the entire Houston Metropolitan Transit Authority service area.

Mr. Chairman, it is just absolutely unconscionable that one would try to circumvent Houston local authorities from having the authority to control their own fate in terms of light rail. I am adamant about this particular amendment, trying to be hijacked. I support the Jackson-Lee amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, may I inquire of the gentlewoman, and I appreciate very much, having come from local government, her leadership in local government; as a local elected official, has she had the experience of having the long arm of the Federal Government intrude upon decisions made by either her local boards, if these decisions, of course, were with the input and the impact of a local community? Is that the way that local government chooses to operate, by having the long arm of the Federal Government instruct how to be

constructive and positive in maybe transit issues or water issues or whatever issues might be relevant at that time?

Ms. MILLENDER-McDONALD. Mr. Chairman, reclaiming my time, to the contrary, local governments have tried to ensure and to maintain their local control, thereby not asking the Federal Government to intrude at all. In my experience as a mayor of a city, I know firsthand how joint powers of authority work independent of Federal Government, and this is the way it should be in Houston, as it is in other cities around the country.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentlewoman would yield further, I hope this amendment will be supported by my colleagues on both sides of the aisle, because I restate the fact that I have come to do nothing more than to strike language. I am not asking for money, I am not asking to add any language.

I could have come here with an amendment responding to neighborhoods crying for light rail. Why is not Acres Home not more expanded with the light rail? Why is it not more in our rural areas or suburban areas at this point, because it is geared to going there? Why is Northeast not included at this time? What is the status of Harrisburg?

All of those issues we are going to work on locally. I do not intend to give up on them, but I believe we will do that locally with Members of Congress, county governments, city government, the business community and, of course, the voters.

My point here, listening to the gentlewoman, appears to be reinforced, that what we are doing with this language, the only city in the Nation, is undermining what the local officials have done. And as I understand what the gentlewoman has just suggested, that is clearly an intrusion that is not welcomed by local government that works so very hard.

I thank the gentlewoman for yielding. I hope that out of her, if you will, solicitation, that we will be able to have our colleagues supporting us on both sides of the aisle. The Committee on Transportation and Infrastructure has been very, very receptive and warm to our needs in Houston, and the Committee on Appropriations. The gentleman from Massachusetts (Mr. OLVER) and, of course, the chairman, have been very welcoming to the mobility needs we have had.

I would simply say, being supportive of local needs, I have supported roads and toll roads, as have my other colleagues. But yet when it comes to light rail, we allow this to be so divisive. This language should be stricken, we should never see it again, and we should stop this decisive debate on the floor of the House when the community has actually come together.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 6. An Act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 6) "An Act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes" and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints under authority of the order of July 31, 2003, Mr. DOMENICI, Mr. NICKLES, Mr. CRAIG, Mr. CAMPBELL, Mr. THOMAS, Mr. GRASSLEY, Mr. LOTT, Mr. BINGAMAN, Mr. DORGAN, Mr. GRAHAM of Florida, Mr. WYDEN, Mr. JOHNSON, and Mr. BAUCUS, to be the conferees on the part of the Senate.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2989, TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2989 in the Committee of the Whole, pursuant to House Resolution 351, no amendment to the bill may be offered except pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments printed in the CONGRESSIONAL RECORD and numbered 1, 6, 11, 14 and 24;

the amendment printed in the CONGRESSIONAL RECORD and numbered 2, which shall be debatable for 15 minutes; the amendment printed in the CONGRESSIONAL RECORD and numbered 15, which shall be debatable for 20 minutes; an amendment by Mr. HASTINGS of Florida regarding OMB Circular A-76, which shall be debatable for 30 minutes; one proper amendment by Mr. SANDERS regarding a district court memorandum and order addressing IBM's pension plan, which shall be debatable for 1 hour; an amendment by Ms. KAPTUR regarding the Help America Vote Act; an amendment by Mr. VAN HOLLEN regarding OMB Circular A-76, which shall be debatable for 30 minutes; one proper amendment by Mr. FLAKE regarding Cuba travel, which shall be debatable for 1 hour; an amendment by Mr. HONDA regarding San Jose light rail; an amendment by Mr. COOPER, Ms. DELAURO, or Ms. KILPATRICK regarding tax law enforcement, which shall be debatable for 1 hour; an amendment by Mr. DAVIS of Florida regarding educational exchanges with Cuba; an amendment by Mr. MICA regarding the National Railroad Passenger Corporation; an amendment by Mr. FARR regarding locality pay; an amendment by Mr. MORAN of Kansas regarding essential air service program.

Each amendment may be offered only by the Member designated or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, under my reservation I would ask the gentleman if this agreement is entered into, what would be the schedule for the remainder of the day and tomorrow?

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, as I understand the intent, we will proceed tonight for approximately 1 hour further, after which time any votes that have been rolled will be held. After that time consideration of this bill would cease until next Tuesday, when we would complete consideration of the bill under the unanimous consent agreement.

Mr. OBEY. And tomorrow?

Mr. ISTOOK. Tomorrow, not being in charge of the schedule, I can only tell