in South El Monte. These projects have, and will continue to make, an enormous difference in the lives of families living in the 32nd Congressional District of California.

Jennifer's intelligence, kindness, and professionalism have earned her the trust and respect of her colleagues. She has served as a mentor to all of the staff, teaching them about the legislative process and various public policy issues with patience and understanding, earning the nickname "Mama Grodsky" among my staff.

Jennifer's departure from my office will be a tremendous loss to my staff and me. While I am sad to see Jennifer leave my office, I am proud of her new career advancement as the Director of Federal Affairs for the University of Southern California. As a Magna Cum Laude graduate and proud alumnus of this renowned university, Jennifer will be an invaluable asset to her new office. The University of Southern California will be very fortunate to have such a talented and bright young woman to lead its new Washington, DC, office. I join my staff in Washington, DC, and district offices in El Monte and East Los Angeles in wishing Jennifer the best of luck in all of her future endeavors.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

SPEECH OF

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. SHERMAN. Mr. Chairman, I rise to express my support for language in H.R. 3 which would permit states to exempt certain hybrid vehicles from high occupancy vehicle regulations.

The legislation provides that alternative fuel vehicles as well as vehicles that achieve a highway fuel economy rating of 45 miles per gallon or greater may be exempted from HOV requirements through September 29, 2009.

I would like to insert into the record a memo prepared at my request by the Congressional Research Service which analyzes the HOV provisions of H.R. 3 with respect to the treatment of hybrid vehicles.

It is important to note that based on my conversations with the authors of this legislation as well as this memo, the language of H.R. 3 would permit states the flexibility regulate when and where hybrid vehicles would be exempt from HOV regulations within the state.

Mr. Speaker, I believe it is important that the States have the flexibility to regulate the hybrid use of HOV lanes within their state—both in terms of where hybrids will be permitted in HOV lanes and when they may be permitted. The language in H.R. 3 seems to achieve this purpose.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 9, 2005.

Hon. BRAD SHERMAN.

HYBRID VEHICLE ACCESS TO HOV LANES UNDER H.R. 3

As you requested, this memorandum provides an analysis of the high occupancy vehicle (HOV) provisions in the Transportation Equity Act: A Legacy for Users (H.R. 3), as reported in the House. Specifically, you asked about the treatment of hybrid vehicles in H.R. 3.

Section 1208 of the bill adds a new Section 168 to Title 23 of the United States Code. Section 18(b)(4) would allow—but not require—states to exempt "low emission and energy efficient vehicles" from HOV requirements through September 29, 2009. The bill does not specifically address hybrid vehicles: instead, the bill provides that alternative fuel vehicles as well as vehicles that achieve a highway fuel economy rating of 45 miles per gallon or greater may be exempted. Eligible vehicles must also meet the new Tier 2 light vehicle emissions standards, and must be certified by the Environmental Protection Agency. It should be noted that a state must actively establish a program to exempt vehicles—the exemption is not automatic.

Further, you asked whether states would have the authority to exempt vehicles from specific HOV lanes at specific times, or whether the state would be required to exempt vehicles from all HOV lanes. The section on vehicle exemptions states that "the State agency may allow vehicles certified as low emission and energy-efficient vehicles . . . to use the HOV facility . . ." In this and several other subsections, the bill refers to an "HOV facility" in the singular. The Federal Highway Administration treats every separate section of highway as a separate "HOV facility." For example, in Virginia the HOV lanes outside of the Capital Beltway in Interstate 66, the lanes inside of the beltway on I–66, and the lanes on I–95/I–395 are all treated as separate facilities. The restrictions on time and minimum occupancy differ for all three facilities. Because of these distinctions, it appears that states could choose to exempt vehicles from one facility (i.e. highway) and not another.

What is less clear is whether states could designate specific lanes (within a facility) and times. The bill requires states to "establishes procedures for enforcing the restrictions on the use of the facility by such vehicles." This would seem to grant the state latitude in determining when and where low emission and energy efficient vehicles could be exempted from the HOV restrictions. However, allowing compliant vehicles exemptions at some times but not others—or in some lanes but not others—would add a level of complexity to the enforcement of HOV restrictions. It therefore seems an open question whether states would choose to exempt compliant vehicles from restrictions on all state HOV facilities, or on specific facilities without specifying which lanes could be used or at what time.

It should be noted that H.R. 3, as introduced, would have required states to charge tolls for all vehicles exempted from the HOV restrictions. The version as reported allows such tolls, but does not require them. It should also be noted that states would be required to limit or discontinue the exemptions, if they were found to decrease traffic flow along the HOV lanes.

Sincerely,

BRAD YACOBUCCI,
Specialist in Energy Policy Resources, Sciences and Industry Division.

INTRODUCTION OF PROTECTION OF CIVIL LIBERTIES ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mrs. MALONEY. Mr. Speaker, last year, using the 9/11 Commission Report as a guide, we passed the National Intelligence Reform Act. In addition to reorganizing our nation's intelligence system, it created a Civil Liberties Board. Unfortunately, this newly created Civil Liberties Board is only a shell of what is needed in order to be effective. Therefore we are introducing "The Protection of Civil Liberties Act" to amend the current board. With the exception of making the Board an independent agency, this bill would reinstate the provisions that were taken out in conference. These commonsense provisions give the Board the authority it needs. Specifically the bill:

1. Gives the Board subpoena power. Currently the board needs the permission of the Attorney General to issue a subpoena. Also, the Board lacks access to the private contractors who currently perform many critical intelligence functions.

2. Creates the Board as an independent agency in the executive branch. Currently the board is in the Executive Office of the President.

3. Requires that all 5 members of the Board be confirmed by the Senate. Currently only the Chair and the Vice Chair will be confirmed.

4. Requires that no more than 3 members can be from the same political party. Currently there is no provision that ensures a bipartisan Board.

5. Sets a term for Board members at 6 years. Currently members will serve at the pleasure of the President.

6. Creates the chairman as a full-time member of the Board. This increases the likelihood that the Board will meet regularly.

7. Restores the qualifications of Board members that were originally included in the Senate bill. This would require that members have prior experience with protecting civil liberties, among other things. Currently there are no such requirements.

8. Restores reporting requirements to Congress. One of the main recommendations of the 9/11 Commission was the need for more Congressional Oversight. Restoring the reporting requirement language requiring semi-annual reports helps achieve this goal.

9. Requires each executive department or agency with law enforcement or antiterrorism functions should designate a privacy and civil liberties officer. Currently the law only expresses a sense of Congress that a privacy and civil liberties officer be established.

This is important legislation and I urge all of my colleagues to support it.

RESOLUTION RECOGNIZING THE IMPORTANCE OF EFFECTIVE RADIOPROTECTANT DRUG

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mrs. DAVIS of California. Mr. Speaker, I rise today to bring attention to a pressing national