

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

The gentleman from Minnesota, I appreciate the fact that he loves ARC, but more importantly to me, the gentleman's passion for ARC is most impressive, especially noting that he does not hail from the Appalachian region, which I do, and the people of the Appalachian region that I hail from. Small towns like Hymen, Pennsylvania, and Salisbury, and counties like Fayette and Huntington County, they have seen the good works of the Appalachian Regional Commission, and we do not want to lose that.

I am not so bold to try to explain to the gentleman the legislative process. He knows far better than most in this Chamber that we have been able to, in the Senate bill, get some significant provisions in there that we wanted authorizing as an at-risk category, which is extremely important to counties all throughout the Appalachian region, increasing the authorization funding amounts in this bill.

So the gentleman knows those provisions are in there, and as I said earlier, if we do not act in 10 days, this will sunset. This will terminate. It will end and we may lose it forever, which I am not willing to take that risk. I do not believe that the Senate is going to pass that appropriations bill in 10 days, and as I said, as I read the legislation, it will sunset. It will terminate.

I would encourage Members to look at that fact, and I am willing to work with the gentleman to move forward, because I do understand your concerns about earmarking. And I want to remind Members of this Chamber, there are no earmarks in this reauthorization. This bill is going to move forward and make sure that the ARC survives for another 5 years and can continue to do the great work that it has done in the 13 States in that region.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume to just add to the discussion that I do not think government will come to a halt in 10 days. The House will pass a continuing resolution so that we can get through October, come back after election on November 13, and take up these appropriation bills. The Appalachian Regional Commission will continue.

Quite right, the gentleman has stood firmly against earmarking in the authorization process, but it is in the appropriation. It is where the money is delivered where the evil occurs, if you will, and in this context, this is not a bill to be tinkering with with earmarks when there is so clearly a grassroots process that is fair and equitable and has input from the people whose lives and livelihoods are affected.

It goes all the way up through the top, and when it gets up here say, oh, sorry, you do not count; your judgment is not of value. To take nearly a third of the money, a limited amount of funds in the appropriation process, and

designate it for projects and thereby diminish the amount the other States get, that is not right. It is just simply not right.

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

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

Once again, I understand the gentleman's concern, and I would suggest that we take care of this earmarking problem in the appropriations process. I know that the Senate bill has language in their appropriations bills that deal with this, and I think that is the appropriate place to do it.

Again, I have great concern if we do not reauthorize this and get it to the President's desk that we, in fact, could sunset and terminate this program. That is something that I am not willing to take the risk on.

Once again, I appreciate the gentleman's support for ARC, his passion for ARC. I want to remind my colleagues that there are no earmarks in this reauthorization bill and that I would encourage my colleagues to vote to continue ARC, the Appalachian Regional Commission's positive impact that it has had, extremely positive impact it has had on our region of the country that needs it.

Mr. RAHALL. Mr. Speaker, today the House plans to take up the reauthorization of the Appalachian Regional Commission. Every one of the southern West Virginia counties I represent is encompassed by the Appalachian Regional Commission and ARC support is critical to our communities' livelihood and well-being.

It is ARC's ability to serve its mission by adapting its actions to fit the times that makes ARC such an invaluable resource to Appalachia and the Nation. From the Appalachian Development Highway System to e-commerce and broadband initiatives, ARC continues to serve its mission by advocating and partnering with the people of Appalachia to create opportunities for self-sustaining economic development and improved quality of life.

For these reasons, among others, I will support the legislation before us today to reauthorize ARC. However, I do so with reservations.

For most of the past 41 years of ARC existence, its program has been free of congressional earmarks. Congress has appropriated funds to ARC and ARC, through a formula based largely on need, has apportioned Federal money to the States.

In fiscal year 2006 and fiscal year 2007, we have seen significant earmarking of the ARC account. Indeed, my home State of West Virginia has received a number of these earmarks.

Why is this? In most instances Members have not requested these funds come from ARC formula funds. However, committee leadership has been forced into this practice of feeding on our own. Why? Because the priorities of Congress have shifted from Middle America to the Middle East.

Our appropriators are faced with this dilemma because the \$8 billion per month spent in Iraq precludes us from investing in needed infrastructure here at home. I've said many times that dollars for Baghdad would be better spend in Beckley—Beckley, WV.

While one of the funded projects has benefited many southern West Virginians directly by providing much needed water and wastewater assistance, I believe it is important we refrain from earmarking the very scarce resources allocated to ARC and, if earmarking the ARC account continues, Congress should require that congressional earmarks are derived from that State's formula allocation of ARC funds.

I believe adopting such a provision will benefit all ARC member States and the long-term viability of ARC itself.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2832.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBERSTAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

REPEAL OF PROHIBITION ON USE OF CERTAIN FUNDS FOR TUNNELING IN CERTAIN AREAS WITH RESPECT TO LOS ANGELES TO SAN FERNANDO VALLEY METRO RAIL PROJECT

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4653) to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

The Clerk read as follows:

H.R. 4653

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

SECTION 1. REPEAL OF PROHIBITION.

The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

H.R. 4653 repeals a 20-year-old prohibition on the use of certain Federal transit funds to tunnel in the San Fernando Valley area west of Los Angeles.

In 1985, an explosion of naturally occurring methane gas blew up a department store in the Wilshire Boulevard

corridor in Los Angeles, injuring 22 people. Concerned about the safety of tunneling in this area of Los Angeles, the Los Angeles City Council created a task force to investigate the explosion. The task force identified methane risk zones along the Wilshire Boulevard corridor.

In 1985, the Los Angeles Red Line subway line was in the planning and design stage. Since then, the Red Line has been completely funded and built and has been in operation since 1993, with an extension to North Hollywood that was completed in 2000.

The fiscal year 1986 transportation appropriations bill included a legislative provision that prohibits the use of Federal transit funds associated with the Los Angeles project for tunneling in or through an identified methane risk zone. The language was written very broadly, binding future funds provided by Congress and affecting all parts of the Metro Rail subway project, including future extensions.

However, in November of 2005, a panel of engineering experts reported that tunneling along the Wilshire Boulevard corridor can be done safely if proper procedures and appropriate techniques are used.

This bill, H.R. 4653, was introduced by Congressman WAXMAN in December of 2005 and will repeal the current prohibition on tunneling in the Wilshire Boulevard corridor. With its passage, a more comprehensive transportation planning process can take place in the corridor, and future transportation proposals that involve tunneling will be eligible for Federal funding.

I encourage my colleagues to join me in support of H.R. 4653.

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

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Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds to say that the gentleman from California (Mr. WAXMAN), with whom I entered Congress together in 1975, has been a champion of this project, but with a watchful eye on the way in which it was crafted and carried forward. And it has been his inspiration that has brought this project to the point where it is now, an agreed-upon initiative and financially sustainable and operationally successful.

I yield such time as he may consume to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I want to thank everyone who assisted in bringing this bill to the floor today, Chairman DON YOUNG, Ranking Member OBERSTAR, Representatives JERRY LEWIS and DAVID DREIER.

H.R. 4653 is noncontroversial legislation. It repeals a law enacted in 1985 that prohibits subway tunneling in an area of Los Angeles that I represent.

I authored the 1985 measure after a methane gas explosion demolished a Ross Dress for Less store in the Third and Fairfax area of Los Angeles.

At the time, serious safety concerns were raised about the city's plans to

extend the subway through this area due to underground pockets of methane gas. In recent years, experts have indicated that technologies have been developed that could make tunneling in this area safe.

In 2004, the Los Angeles City Council passed a motion urging a reversal of the 1985 law, and in February 2005 the Los Angeles Metropolitan Transportation Authority's board voted to renew discussions of the subway's expansion in this area. As a result, I worked with Mayor Antonio Villaraigosa to select a panel of scientific experts to conduct an independent safety review. These experts made a unanimous determination in a November 2005 report that tunneling in the methane gas area can be done safely if proper procedures and appropriate technologies are used.

H.R. 4653 simply lifts the Federal tunneling prohibition that has been in place since 1985. The Transportation Infrastructure Committee reported this bill unanimously on July 19, and I urge my colleagues to support it as well.

Mr. SHUSTER. Mr. Speaker, I continue to reserve the balance of my time.

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

Mr. Speaker, the gentleman from California and the gentleman from Pennsylvania have fully explained the provisions of this bill and the need for the project. It needs no further elaboration.

This project moves us further in the direction of advancing the cause of transit in our national transportation intermodal system.

Transit is the fastest growing sector of the transportation in America. We are adding 1 million new transit riders a day last year, for 375 million new transit trips, for 10.5 billion transit trips in America. At a time in the 1960s, 1970s, and 1980s, New York accounted for over 60 percent of all transit trips in America. No longer. New York's share is down somewhere around 39 percent because the rest of the Nation is catching up and accelerating its use of transit.

In fact, if we could, as is done in Europe, have a mode shift of 10 percent of all trips taken for all purposes by transit, in America we would save 550 million barrels of oil a year, and that is the amount we import from Saudi Arabia.

The move to transit is inexorable; it is a necessary part of our overall balanced transportation system in America, and in this intensely populated area of Los Angeles, the San Fernando Metro Rail Project will make an enormous contribution to mobility and to savings in fuel consumption in America.

Mr. Speaker, I rise to support the passage of H.R. 4653, to repeal a prohibition on the use of Federal transit funds for tunneling in certain areas for the construction of the San Fernando Valley Metro Rail project in Southern California.

More than 20 years ago, an explosion caused by the ignition of methane gas that had been accumulating along the Third Street corridor in the Wilshire-Fairfax District of Los Angeles rocked the area. The resulting explosion severely damaged a building structure and injured 22 people. A preliminary investigation into the cause of the explosion pointed to ignition of underground pockets of pressurized gas.

This incident raised safety concerns related to the proposed tunneling in the area to build the planned Metro Rail subway system. To address the safety concerns, the Los Angeles City Council created a Task Force to investigate the explosion to determine the cause of the accident and to make recommendations to avoid future incidents. The results of the investigation identified two methane risk zones.

To ensure that the safety concerns related to construction of the Metro Rail subway system were fully addressed prior to the use of Federal transit funds for the construction of the project, a provision was included in the fiscal year 1986 Transportation and Related Appropriations Act prohibiting the use of Federal funds for the project until certain safety concerns has been properly addressed.

Mr. Speaker, I am pleased to report that the initial concerns related to possible methane gas explosions associated with the construction of the project have been resolved through extensive reviews and studies. In October 2005, a peer review panel of engineering experts was convened at the request of the Los Angeles County Metropolitan Transportation Authority Board to conduct an independent evaluation of gas-related safety issues associated with the proposed tunneling of the extension of the Metro Rail Line subway along Wilshire Boulevard. Based on the findings, the five-member panel of experts reported that tunneling along the Wilshire Boulevard corridor can be done safely using proper procedures and appropriate techniques.

In response to the findings of the peer review panel of experts, the City of Los Angeles and the gentleman from California (Mr. WAXMAN) who represents areas along the proposed Metro Rail subway system corridor have joined together to support the enactment of H.R. 4653. The passage of H.R. 4653 will help advance badly needed transit projects throughout the Los Angeles to San Fernando Valley region.

Mr. Speaker, I urge the passage of H.R. 4653 to remove the funding prohibition for the Los Angeles to San Fernando Valley Metro Rail Project.

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

Mr. SHUSTER. Mr. Speaker, I just want to encourage my colleagues to join me in support of H.R. 4653, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4653.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PETS EVACUATION AND TRANSPORTATION STANDARDS ACT OF 2006

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3858) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pets Evacuation and Transportation Standards Act of 2006".

SEC. 2. STANDARDS FOR STATE AND LOCAL EMERGENCY PREPAREDNESS OPERATIONAL PLANS.

Section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) is amended—

(1) *by redesignating subsection (g) as subsection (h); and*

(2) *by inserting after subsection (f) the following:*

"(g) STANDARDS FOR STATE AND LOCAL EMERGENCY PREPAREDNESS OPERATIONAL PLANS.—In approving standards for State and local emergency preparedness operational plans pursuant to subsection (b)(3), the Director shall ensure that such plans take into account the needs of individuals with household pets and service animals prior to, during, and following a major disaster or emergency."

SEC. 3. EMERGENCY PREPAREDNESS MEASURES OF THE DIRECTOR.

Section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196) is amended—

(1) *in subsection (e)—*

(A) *in paragraph (2), by striking "and" at the end;*

(B) *in paragraph (3), by striking the period and inserting "; and"; and*

(C) *by adding at the end the following:*

"(4) plans that take into account the needs of individuals with pets and service animals prior to, during, and following a major disaster or emergency."; and

(2) *in subsection (j)—*

(A) *by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and*

(B) *by inserting after paragraph (1) the following:*

"(2) The Director may make financial contributions, on the basis of programs or projects approved by the Director, to the States and local authorities for animal emergency preparedness purposes, including the procurement, construction, leasing, or renovating of emergency shelter facilities and materials that will accommodate people with pets and service animals."

SEC. 4. PROVIDING ESSENTIAL ASSISTANCE TO INDIVIDUALS WITH HOUSEHOLD PETS AND SERVICE ANIMALS FOLLOWING A DISASTER.

Section 403(a)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)(3)) is amended—

(1) *in subparagraph (H), by striking "and" at the end;*

(2) *in subparagraph (I), by striking the period and inserting "; and"; and*

(3) *by adding at the end the following:*

"(J) provision of rescue, care, shelter, and essential needs—

"(i) to individuals with household pets and service animals; and

"(ii) to such pets and animals."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, at this time I would like to yield to the gentleman from Connecticut, who is the prime mover on H.R. 3858, Mr. SHAYS.

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Pennsylvania. I would like to just amend the gentleman's comment by saying there are two prime movers, Mr. LANTOS and myself, and I appreciate the opportunity to speak on this legislation.

I rise in support of H.R. 3858, the Pets Evacuation and Transportation Act, referred to as the PETS Act, which Congressman LANTOS and I both as co-chairmen of the Friends of Animal Caucus introduced.

This commonsense bill requires State and local preparedness planners to include plans for evacuation of pet owners, pets, and service animals. Having passed this legislation once in the House, we now have an opportunity to include several important provisions that have been included by the Senate strengthening the bill, and then being able to send it directly to the President. These provisions include granting FEMA the authority to assist in developing evacuation plans, and authorizing financial help to States to create emergency shelters for people with their animals. Hurricane Katrina left so many victims in its wake, including up to 600,000 animals that lost their lives or were left without shelter.

To qualify for Federal Emergency Management Agency, FEMA, funding, a jurisdiction is required to submit a plan detailing their disaster preparedness plan. The PETS Act would simply require State and local emergency preparedness authorities to plan for how they will accommodate households with pets or service animals when presenting these plans to FEMA.

This bipartisan legislation is necessary because it became evident during Hurricane Katrina, when asked to choose between abandoning their pets or their own personal safety, many pet owners chose to risk their lives and remain with their pets, and some of them perished. This is first a public safety issue, but also an animal welfare issue. Roughly two-thirds of American households own pets. We need to ensure owners and their pets are protected.

The human horror and devastation in Louisiana, Mississippi, and Alabama was a failure we needed to immediately address, but it was also heartbreaking to hear stories of forced evacuees to choose between being rescued or remaining with their pets. The plight of the animals left behind was truly tragic.

In the middle of hurricane season, it is imperative that regulations to include pets in evacuation plans be

placed in anticipation of future tragedies.

This is an important bill. I urge its passage so that we can send it directly to the President.

Again, I want to thank the chairman for bringing this bill out and marshaling this bill both times we have been before the Chamber. And I also want to thank my colleague, my co-chairman, Mr. LANTOS for all that he has done. He is a pleasure to work with.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the leader on our side, an advocate for this legislation, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. I want to thank my friend Congressman OBERSTAR for yielding. I want to thank Chairman YOUNG of Alaska and Congressman OBERSTAR for their stewardship of this important piece of legislation that my friend Congressman Chris Shays and I introduced, and we are thrilled and delighted that we have reached this day, and hopefully it will pass.

I also would like to congratulate our colleagues in the Senate, Senators STEVENS of Alaska and LAUTENBERG of New Jersey, for leading the fight to pass the PETS Act by a unanimous vote. In my own office, three young and committed men worked hard on this legislation, Ron Grimes, Jason Rosenstock, and Guido Zucconi, and I want to express my appreciation to them. But primarily I want to thank my wife, Annette, who, over a long lifetime together, taught me the love of animals.

Mr. Speaker, if I may, I would like to call special attention to three doggies in our office, Masko, Chippy, and Cassie, who bring a civilized tone, joy, fun, pleasure, and wit to our congressional office. Their work, along with the tireless efforts of animal welfare organizations, will ensure the safety of household pets and service animals and their owners as well.

Mr. Speaker, before the images of the gulf coast hurricanes of last year begin to fade from our national memory, it is imperative that we help our citizens prepare for the next disaster. Our legislation, the PETS Act, will ensure that families and people with disabilities will never be forced to choose between being rescued or remaining with their pets or service animals.

The scene from New Orleans of a 9-year-old little boy crying because he was not allowed to take his little white dog Snowball was too much to bear. Personally, I know I wouldn't have been able to leave my little white dog Masko to a fate of almost certain death.

As I watched the images of the heartbreaking choices the gulf residents had to make, I was moved to find a way to prevent this from ever happening again. Requiring local and State emergency planners to take into consideration the needs of evacuees with household pets and people with disabilities who have service animals is a simple