

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3672	AZ	Pave remaining stretch of the Turquoise Trail, BIA Route 4, which is a north-south road that joins AZ HW 160 in the north to AZ HW 264 in the south portion of BIA Route 4	\$2,000,000
3673	AK	Improve marine intermodal facilities in Ketchikan	\$25,000,000
3674	DC	Highway improvements to improve access to the Kennedy Center	\$5,000,000
3675	MN	Construction of four lanes on Hwy 53 between Virginia and Cook and construction of two passing lanes between Cook and International Falls	\$7,000,000
3676	OR	McKenzie highway enhancements, Lane and Linn Counties	\$3,100,000

In item 159 of the table contained in section 3038, strike "\$640,000" and insert "\$960,000", strike "\$660,000" and insert "\$990,000", and strike "\$700,000" and insert "\$1,050,000".

On page 98 of the manager's amendment, at the end of the table of projects for bus and bus-related facilities, add the following:

Project	FY 06	FY 07	FY 08
441. St. Paul, MN Intermodal Center	\$1,440,000	\$1,485,000	\$1,575,000
442. Albany, OR North Albany park and ride	\$256,000	\$264,000	\$280,000
443. Portland, OR Tri Met bus replacement	\$384,000	\$396,000	\$420,000

On page 158 of the manager's amendment, strike subparagraph (C) of section 5403(1) that is proposed to be added at the end of subtitle D of title V by the manager's amendment and insert the following:

(C) by striking "300,000 and that" and inserting "300,000,"; and

Mr. YOUNG of Alaska (during the reading). Mr. Speaker, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Alaska?

There was no objection.

MAKING FINAL PERIOD OF GENERAL DEBATE PURSUANT TO HOUSE RESOLUTION 144 IN ORDER PRIOR TO DISPOSITION OF AMENDMENTS TO H.R. 3, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3 in the Committee of the Whole, pursuant to House Resolution 144, the final period of general debate may be in order before the disposition of amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The SPEAKER pro tempore. Pursuant to House Resolution 144 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3.

□ 1322

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 further consideration of the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with Mr. HEFLEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 12 by the gentleman from Arizona (Mr. FLAKE) had been disposed of.

Pursuant to the order of the House of today, it is now in order to conduct a period of final debate on the bill.

The gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 5 minutes.

Does the gentleman from Oregon (Mr. DEFAZIO) claim the time?

Mr. DEFAZIO. Mr. Chairman, I claim the time on behalf of the gentleman from Minnesota (Mr. OBERSTAR) as the subcommittee ranking member.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume, and I further yield to the gentleman from South Carolina (Mr. SPRATT) for a colloquy.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from South Carolina (Mr. CLYBURN) and I had an amendment that we filed yesterday to forgive the debt owed by the Pee Dee Regional Transit Authority to the Federal Transit Administration. We are not going to bring this amendment up for a vote, but I would like to engage my colleague, the gentleman from Alaska

(Chairman YOUNG) in particular, in a colloquy on this issue if agreeable.

Mr. Chairman, the Pee Dee Regional Transit Authority, PDRTA, is responsible for transportation and transit services in an area which encompasses 20 percent of South Carolina, more than 5,300 square miles in some of the most poorest, most rural areas of our State.

In the year 2000, the Federal Transit Administration's triennial review found that PDTRA had incorrectly used revenues from contract services as local match for operating assistance grants. The PDRTA finance director at that time determined that PDRTA owed an amount of \$895,083 to the FTA, although this number has not been verified by audit by the FTA.

PDTRA has completely replaced their management, reformed their business practices, and begun quarterly payments on the debt of around \$20,500. With an overall budget of \$3.5 million, these quarterly payments have crippled their ability to expand services and to improve access to jobs and medical facilities in this underserved region.

For this reason, the regional administrator of the FTA expressed in a January 31, 2001, e-mail to me that he supports PDTRA's efforts to obtain debt forgiveness. The gentleman from South Carolina (Mr. CLYBURN) and I both support the regional PDTRA administrator's position in favor of debt forgiveness. I am just asking the chairman and ranking member for help in trying to resolve this matter in conference.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, the regional transit authorities are important to transportation in rural areas. I would be happy to discuss this matter further with the gentleman from South Carolina (Mr. CLYBURN) and the gentleman to determine whether we can help with the problems in South Carolina.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, like the gentleman from Alaska (Chairman YOUNG), the gentleman from Minnesota (Mr. OBERSTAR) and I believe strongly in the importance of regional transit authorities and will work with the gentlemen from South Carolina (Mr. CLYBURN) and (Mr. SPRATT) to find an agreeable solution to this issue in conference.

Mr. SPRATT. Mr. Chairman, if the gentleman would further yield, I thank both gentlemen and look forward to working on this issue as the conference committee begins its deliberations. I thank the gentleman very much for this opportunity.

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

Mr. DEFAZIO. Mr. Chairman, I yield myself 2 minutes.

Again, I want to thank the chairman of the full committee, chairman of the subcommittee, ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the staff members, the leadership in the House, everyone who has contributed to what I think is an extraordinary product in this bill.

This bill is going to make vital investment in the crumbling infrastructure of the country to refurbish it, maintain it, improve it. It is going to anticipate growth needs and congestion. It is going to contribute to the growth of our economy. It is going to put tens of thousands, hundreds of thousands of people to work, and we do all this without borrowing any money, creating anymore deficit or debt. That is the most extraordinary thing about this bill and the most notable achievement.

We, unlike many other Federal programs, have an investment that is totally paid for by the taxpayers and will be of tremendous benefit to those same taxpayers. The money will be spent in the manner in which it was intended when it was collected from individuals and from commercial drivers at the pump, and this will be, I believe, the signature domestic legislation of this Congress in terms of the positive impact on the economy of our country.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

I echo the words of my good friend, the gentleman from Oregon (Mr. DEFAZIO) and, of course, the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

I would also like to not only thank my staff but everybody who has dealt with me for the past 4 years on this legislation. This is a very frustrating position to be in when the cash flow is not really what we wanted it to be and

yet trying to achieve what is necessary for this country, and that is a good infrastructure system.

I am convinced that we will be revisiting this issue when this bill is on the President's desk in the years coming because we have a real challenge in this great Nation of ours. We have heard it time and again about how people are delayed and how product is delayed and how our bridges are crumbling, our roads are crumbling. These are not myths. These are actual facts. It was testified before us that we actually need probably \$500 billion to make sure this country keeps moving, to be competitive with that competitive China.

So this is just a small step forward, and I will agree with my friend from Oregon; I do believe this will be the premier domestic legislation that we will pass that will affect more lives immediately than any other piece of legislation we will have before this body in the next 14 months.

I am proud of the fact that we have been able to do this in a bipartisan fashion. I am proud of the fact that we have been able to, in fact, craft this bill, and there has been lots of cooks in this kitchen, but we have managed to bring everybody together, and I think come out with a very, not think, I know, a very good product in TEA-LU.

Now, we are going to go to the Senate after I hope everybody votes for this legislation. We will go to the Senate. God willing, they will move something, and we will have this bill done before the first of June.

□ 1330

And for that I thank each Member of this House, for participating in the process and showing the public how this House can work together to produce a product for the benefit of this Nation.

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

Mr. DEFAZIO. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

Mr. OBERSTAR. Mr. Chairman, the gentleman from Alaska (Mr. YOUNG), our chairman, expressed it very well. We are on the brink of a new era in transportation, with a substantially increased investment in transportation. It is and will be, as the title of this bill describes, transportation equity and a legacy for users, a legacy of a substantially increased investment in surface transportation; highways, bridges, and safety, over \$6 billion, over the next years of this legislation.

There is substantial investment in transit, the fastest growing segment of transportation over the last 5 years, adding 1 million new riders a day in transit systems. New innovations, truck lanes that the chairman has strongly advocated will be part of this

legislation; increased funding for ferry service, to take more pressure off our roads. The environmental provisions of this provision are far-reaching, forward-looking, and visionary. We have a good beginning on this legacy for users of our transportation system, properly named.

In coming to this point, I, of course, want to thank our chairman, as I have done at the outset, for his leadership and standing firmly for the \$375 billion we truly ought to be investing in transportation, but with the opener we have the opportunity to come back and do this again. And also thank you to the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI), and my very good friend and partner, the gentleman from Oregon (Mr. DEFAZIO), who is our ranking member on the Subcommittee on Highways, Transit & Pipelines.

Also our committee staff on both sides have worked tirelessly and selflessly toward this objective: Dave Heymsfeld, Ward McCarragher, Kathie Zern, Dara Schlieker, and Jen Walsh.

Ken House, Art Chan, Stephanie Manning, and Eric Van Schyndle, who spent an enormous amount of time on the Member high-priority projects. Beth Goldstein, and from the staff of the gentleman from Oregon (Mr. DEFAZIO) Kathie Dedrick.

We have also had unsung heroes and heroines: our unpaid interns Lauren Reed and Homer Carlisle.

The Legislative Counsel's office: Dave Mendelsohn, who I have known for years and who is a fount of knowledge on the crafting of the right legislative language; Curt Haensel and Rosemary Gallagher.

And Susan Binder and Ross Chrichton from the Federal Highway Administration.

That old African adage that it takes a village to raise a family, well, it really took a village of staff, of Members, of support, of participation by the leadership to produce this child, this Transportation Equity Act, this Legacy For Users. Let us move forward to make this the Transportation Century.

Mr. HASTERT. Mr. Chairman, I rise today in support of H.R. 3.

I'm glad this day has finally come. This is one of the most important bills this Congress can pass.

I designated this Highway and Transit Reauthorization as H.R. 3 because of its importance as the economic growth and jobs bill for this legislative year.

It's estimated for every \$1 billion we spend on road construction, nearly 48,000 jobs are created.

But it's more than just jobs. We need an adequate infrastructure to move people and the materials they make efficiently.

With more than 67 percent of the Nation's freight moving on highways, economists believe that our ability to compete internationally is tied to the quality of our infrastructure.

In an era of just-in-time delivery and an increasingly global economy it is unacceptable

that traffic congestion currently affects 33 percent of all travel on America's major roadways; leading to 3.6 billion hours of delay each year.

I congratulate Chairman YOUNG and the Transportation and Infrastructure Committee for producing a bill that addresses this Nation's need for a transportation system suited to the 21st century's economy.

Further, Chairman YOUNG and the Committee have written a fiscally responsible bill at a \$283.9 billion funding level that fits within our budget and that the President can sign.

Given the demands of the infrastructure needs and the delicate balance that must be maintained among competing interests for highway and transit funds, this is no small accomplishment.

Today, the House of Representatives will prove that it is possible to pass a fiscally responsible Highway bill.

It is now up to the other body to quickly match our effort and get into conference so this legislation can be enacted into law before this year's construction season passes for States in the North.

The time is over for any further delay in reauthorizing these vital infrastructure programs.

For 2 years, uncertainty and delay over establishing multi-year funding levels has hampered our and the States' ability to plan for and build transportation systems.

In conclusion, I want to thank Chairman YOUNG, Ranking Member OBERSTAR and the members of the Transportation and Infrastructure Committee for producing this legislation.

To quote our Majority Leader TOM DELAY—who was also instrumental in getting us to this point—it is time to "get it done."

Mr. CROWLEY. Mr. Chairman, I rise today in strong support of this legislation.

I would like to commend the efforts of Chairman YOUNG and Ranking Member OBERSTAR as well as Subcommittee Chairman PETRI and Ranking Member DEFAZIO for their tireless efforts on crafting a strong bipartisan bill.

As we all know, this legislation has been a long time coming and I would like to extend my gratitude to these four men for the work they have done to produce such a strong bipartisan bill.

In today's current environment in the House, it is really a testament of how Chairman YOUNG and Mr. OBERSTAR run the committee and put the needs of United States infrastructure before partisan issues.

This is one of the most important pieces of legislation for me because of the benefits it will provide to my district.

Without the leadership of Mr. YOUNG, OBERSTAR, PETRI, and DEFAZIO and the incredible staff they have on the Transportation and Infrastructure Committee our Congressional Districts would still be waiting for the much needed funding to repair and improve of roadways.

I would like to thank you on behalf of my constituents for all the work you have done.

Mr. GERLACH. Mr. Chairman, I rise in support of H.R. 3 and commend Chairman YOUNG and Ranking Member OBERSTAR for their hard work in bringing this bill to the floor. As a Member of the House Transportation and Infrastructure Committee, I am proud of the work of our committee and am hopeful that we can enact TEA-LU quickly to give out State

departments of transportation the stability and resources they need to plan for, design and build important highway and transit projects.

I would also like to highlight a few issues that I look forward to working with the chairman and ranking member on as this bill moves forward.

First, I strongly support a provision that was included in S. 1072, the Senate's version of the reauthorization in the 108th Congress. This provision, section 1620 of S. 1072, would provide a 2 percent set aside of funds to be used to address stormwater mitigation. If included in H.R. 3, the provision would bring over \$29 million back to Pennsylvania to help address some of the major stormwater runoff problems. Stormwater runoff is a significant source of water pollution, untreated sewage overflows, beach closings and flooding. I believe addressing this need with specific funding in the bill to correct runoff problems associated with existing highways is good policy. Many of the communities in my own district have to deal with the impacts of runoff from highways and roads, yet have no funding to do so. This provision would correct this problem and give local communities access to much-needed funding for stormwater mitigation.

Second, I have worked with my colleagues on the Transportation and Infrastructure Committee from Pennsylvania to address a problem that has recently come to our attention regarding "flexing" of Federal highway dollars to shore up the operating budgets of Pennsylvania's transit agencies. I hope that the chairman will continue to work with us to see that our concerns are taken into account. While I certainly understand the ongoing crisis confronting SEPTA and the Commonwealth of Pennsylvania's other transit agencies, and hence believe the flexing of Federal highway dollars may provide an appropriate, short-term answer to the agency's budgetary problems, I likewise believe that any agreed-to flexing plan should be contingent upon an agreed-to repayment of these much-needed dollars within a short and fixed time period. These highway dollars are absolutely critical to the continued improvement of our region's road infrastructure. While the Pennsylvania Legislature and Governor Rendell continue to work toward a permanent solution to mass transit funding, the need to provide transit agencies with a "hand up" with these dollars may be appropriate. But that assistance should only be provided if the Commonwealth agrees to return these dollars to the effected MPOs within a specified time period to ensure the use of these dollars for the initial purposes for which the appropriations were made by the Federal Government. Further, I would like to see a plan in place to assure that the projects delayed by the flexing action are fast-tracked once the flexed dollars are returned.

Mr. Chairman, providing flexibility to our metropolitan planning organizations is a laudable goal, but these Federal dollars were never intended to plug holes in the operating budgets of transit agencies, I therefore ask the chairman and members of the committee to work with us to achieve an acceptable solution.

Finally, in the section 307 of the National Highway System Designation Act of 1995,

there was included a provision that prohibited states from imposing arbitrary overhead rate caps. Section 307 did have its desired effect, most States are following common overhead and auditing procedures that promote quality design work. The problem is that section 307 provided states a window of opportunity to opt out of the Federal Highway Administration FHWA, overhead and auditing procedures by adopting State laws establishing alternative procedures. Thirteen States have taken advantage of this opt out and passed law to impose arbitrary overhead rate caps.

As a result, Congress cannot be assured that the most qualified firms are being selected for working on Federal-aid design projects. At the same time, many of these States require their own audits with their own procedures, instead of accepting the uniform audit procedures used by most of their peers. This places unnecessary burdens on engineering firms and diverts time, staff and focus away from the technical aspect of the project.

Section 1703 of S. 1072, the Senate version of the highway reauthorization in the 108th Congress, included a permanent fix for this problem and I hope that the provision finds its way into the final bill.

Again, I would like to commend Chairman YOUNG and Ranking Member OBERSTAR for their commitment to our Nation's highways and transit systems. I am proud to support H.R. 3 and urge all my colleagues to support the bill as well.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to commend Chairman YOUNG and Ranking Member OBERSTAR, as well as the subcommittee leadership for their hard work in crafting the underlying legislation. However, I offer my support for the manager's amendment that seeks to incorporate very important initiatives that were contained in some of the amendments that were made in order by the Committee on Rules.

While the underlying bill before us proposes to provide \$620 million for some 175 high priority projects in the State of Texas, there remain issues that will pose significant problems for Houston and for Texas unless this body offers its commitment to address in the future.

Toll credits are a significant resource for transit providers because they can use them in lieu of obtaining a Federal match—thereby greatly expediting the development of major projects that serve the communities. This amendment will cripple the value of the toll credit program.

Without the revenue from toll credits, Texas will have less funding for the reduction of congestion and the improvement of air quality. In reducing an otherwise viable revenue stream, this amendment would restrict local governments like Houston from choosing the best tool to respond to local conditions and priorities. I would have voted against the amendment that would prohibit the tolling of new interstates, including the I-69 Corridor, which lacks an alternate source of financing.

I ask that the Committee on Transportation and Infrastructure continue its efforts to provide funds to complete the Interstate 69 Corridor. The termination of the Interstate Program in 1995 left no mechanism to finish the Nation's few remaining incomplete Interstates such as I-69. Currently, there is no program

to fund major projects which benefit the Nation as a whole but whose costs exceed States' apportioned funds. Based on these needs, I ask my colleagues to include the National Corridor Infrastructure Improvement Program and the Projects of National and Regional Significance provisions in the bill underlying today. Furthermore, I ask that the committee include them at a funding level equal to those included in H.R. 3550.

The Greater Houston area is subdivided into 6 counties: Chambers, Fort Bend, Liberty, Montgomery, Waller, and my District, Harris. Harris County contains the city of Houston and the largest concentration of people. In the year 2000, approximately 3.5 million people lived in Harris County alone—by far the most populous area. Over the next 20 years, the population of the Houston region will continue to grow.

The historic Fourth Ward in Houston is long overdue for major transportation improvements. Within the underlying bill we have before us today are projects that propose to make critical improvements to the Main Street Corridor. The Fourth Ward emerged as Houston's most prominent African-American neighborhood when thousands of freed slaves flooded into the city after emancipation. These newcomers settled on the fringes of the Third, Fifth, and Fourth wards. The Freedmentown area north of San Felipe and the streets west of downtown not only attracted the largest number of the new black residents but also housed the first black churches, schools, and political organizations. Several factors combined to facilitate the subsequent growth of the Fourth Ward's black community. I would ask that my colleagues take these requests under strong consideration after passage and leading into the conference report.

Improvements to Houston's and Texas' infrastructure will be the priority for me and for my colleagues. Statistically, Houstonians travel more miles per day than there are miles between the earth and the sun. The distance between the earth and the sun is about 93 million miles. Houstonians drive about 156 million miles per day.

The manager's amendment proposes key technical and program improvements to the underlying bill language. In particular, I support the changes to the calculation of "Revenue Aligned Budget Authority," RABA; re-establishment of budgetary firewalls for highways and transit programs; reauthorization of the Swift Rail Act at \$100 million per year, title IX of the bill; and extension of revenue provisions approved by the Ways and Means Committee.

Moreover, I support the improvements to the bill proposed in the manager's amendment. In particular, due to the tremendous bipartisan efforts of my colleagues, the amendment now includes language to guarantee that TEA 21's 90.5 percent minimum guarantee is protected, with a scope defined as no less than 92.6 percent of the highway program funds in the bill. This is a significant improvement over the bill passed by the House last year. I thank the distinguished majority leader for his work in ensuring that this measure will protect these provisions, allowing the House to move into conference in a stronger negotiating position toward achieving a higher MG above 90.5 percent. The manager's amendment makes this a better bill for Houstonians and for Texans.

I would like to offer my support for the amendment offered by Mr. DAVIS of Virginia that will ensure that tolls are applied equally to all users of toll facilities. This amendment would eliminate language in the underlying bill that requires lower tolls to be charged to low income drivers. Since the administration of differential tolls may be challenging for our existing and future toll authorities, this amendment will make important adjustments to the underlying bill.

Secondly, I support the Burgess amendment, which would change the calculation for transportation development credits to ensure that Texas and other States with toll facilities are able to take full advantage of these credits for the benefit of our transit, highway, and highway safety programs. This proposal is vital to the provision of a pro rata calculation of the credits so that we are not penalized for using Federal dollars in our transportation development projects. I support this amendment and ask that my colleagues join me as the Gentleman brings this proposal to the floor.

Furthermore, I support the proposal of Mr. PITTS that would provide a temporary transition period for transit entities, including three in Texas, that, under the most recent census, are now subject to the over 200,000 population prohibition on the use of transit formula dollars for operating expenses. The Pitts amendment would allow those small transit entities in this new situation to use up to 50 percent of their formula funds for operating expenses for fiscal years 2005 through 2007 and up to 25 percent of the formula funds for operating expenses in fiscal years 2008 and 2009. In addition, I join my colleague from Texas, Mr. BARTON in the initiative of his amendment to require studies and assessments of risks to human health or the environment to use sound and objective scientific practices.

Due to the short time allotment given to the floor debate on this measure, I was unable to engage the distinguished ranking member from Minnesota in a colloquy. I wanted to discuss two very specific and very significant issues that relate not only to Houston, but to Texas and many other States that have developing infrastructure and economic cores.

I would have asked the ranking member for his assistance in maintaining the issues that I underscore here as priorities as he and his fellow conferees move closer to finalizing negotiations on this measure. These issues speak to (1) the need for increased transit-related funding in future authorizing and appropriating measures, and (2) the need to maintain Federal oversight of the way in which States and localities regulate the flow of interstate traffic. The Metropolitan Transit Authority of Harris County, METRO, is the agency charged with the public transportation and transit needs. METRO has worked over the past 2 years to create a long-range plan for mass transit in the Houston area. After having worked with the community to receive input, the METRO board of directors adopted a blue-print for its long-range plan called "METRO Solutions."

The METRO Solutions plan includes: (1) 50 percent increase in METRO's bus service, including approximately 44 new local, signature express, express, and Park & Ride bus routes, (2) nine new Transit Centers and nine new Park & Ride lots, as well as expansion and

upgrading existing facilities, (3) expansion of the METRO Rail line and commuter line components, including an overall plan with 72.8 miles of rail, and (4) extension of the payments to local governments for street and other mobility improvements for five additional years, 2010–2014. Texas has a transportation code and it is authorized to act in this field of local government through METRO.

I believe that long-term and comprehensive projects such as that of Houston METRO should be given full Federal support? I would add that the authorization process should allow for innovative financing options to allow projects such as METRO's Advance Transit Plan, ATP, and METRO Solutions.

I would ask that the appropriators and authorizers remain open-minded in crafting measures such as H.R. 3 to the transit needs that exist in areas like Houston, the fourth largest city in the Nation. The distinguished majority leader has been cited as advocating the need for more innovative financing to build infrastructure and to foster economic activity.

Given the situation that Houston METRO and other similar entities face with administrative delays that stem from a very lengthy funding process, I ask that our colleagues follow the leadership of the majority leader from Texas.

We should go to conference and continue to work with the committee to maintain the need for innovative financing for major transit infrastructure.

We should remain committed to maintaining the need for financing options for transit projects that promise to foster economic activity as a priority. Also, with respect to the issue of the need to maintain Federal oversight of the way in which States and localities regulate the flow of interstate traffic, a program called "SAFE Clear" has been initiated in the city of Houston and is in the city ordinance.

I congratulate the mayor and city council on the vigorous work that its Office of Mobility has done to improve transportation throughout the city of Houston and remain eager to collaborate with them to facilitate this endeavor from the Federal level.

However, I must make my colleagues aware that, through feedback that I have received from my constituents, the program has disproportionately affected certain groups of motorists, particularly those of lower socio-economic status and those who are or who primarily transport the elderly. While the proposed improvements to the ordinance that provide a "free tow" could serve our goals well, motorists who do not qualify for a "free tow" will possibly suffer from the disparate effects of the ordinance complained of by constituents.

I ask that the Transportation Conference ensure that provisions are included in this measure and measures in the future that maintain Federal oversight over the regulation of interstate travel. The potentially disparate overall effect of the ordinance merits further analysis, research, and oversight.

I hope we will continue to provide oversight over programs such as this through the legislation that is crafted in committee.

Mr. Chairman, for the foregoing reasons, I support the drafters of this legislation for their efforts to fund priority projects and urge my colleagues to do the same.

Mr. WEINER. Mr. Chairman, I rise today to thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through TEA-LU, a bill that I will support despite its flaws. The Department of Transportation studied the Nation's infrastructure and prescribed a \$375 billion solution. In the 108th Congress, I joined the leadership in endorsing the original version of this bill, which filled that prescription. Unfortunately, the administration is unwilling to come up with the support necessary to ensure that we are able to maintain and improve the Nation's infrastructure, and threatened to veto any bill that authorized more than \$283.9 billion. As a result, we are today considering a bill that does not do nearly enough to improve the quality of life for individuals living in New York City and around the country. I look forward to working with the Committee leadership to see that this bill is improved in conference.

Mr. Chairman, as this bill moves to conference, I want to highlight four issues that are of particular import to me and my constituents. It is my hope that the conferees will include these improvements in the conference report.

First, this bill should ensure that resources are devoted by formula to states that require improvements. The minimum guarantee program shifts funding from states that have the greatest need—like New York—to other States. Each year, New York provides \$20 billion more to Washington than it gets back. New Yorkers ought not be punished for our efforts to conserve fuel, as any expansion of the minimum guarantee program would do.

Second, this bill shortchanges New York on transit funding. Despite having almost half of the Nation's transit ridership, New York's share of transit funding leaves much to be desired. Transit funding should better reflect need.

Third, I hope that conferees will ensure that States starved for a consistent funding stream for ferries and waterborne transportation can count on funding from the Ferry Boat Discretionary Fund. I am acutely aware of how much a guaranteed stream of funding would mean to improve both congestion and homeland security all across the country, and particularly in New York City, where roads are clogged on a normal day, and ferry transportation would provide not only congestion relief but another way to ensure escape from Manhattan in the case of a terrorist attack. At a minimum, New York should receive \$5 million per year. I hope conferees will work with me and other Members who represent districts that would benefit from a guaranteed ferry funding stream.

Fourth, I hope that conferees will work with me to ensure that the generous funding we have provided for Senior transportation in this bill is put to its best use. I believe that establishing a center for best practices and a technical assistance center, would provide an enormous service to this nation's elderly population.

Nevertheless, Chairman YOUNG, Mr. OBERSTAR, Chairman PETRI, and Mr. DEFAZIO deserve the thanks and appreciation of every Member of this House for their tireless effort to ensure that the Nation's surface transportation systems receive the resources required to keep America moving.

In particular, I would like to thank both the Democratic and Republican staff of the Trans-

portation Committee, both of whom worked tirelessly on this piece of legislation, and who deserve the entire House's thanks. In particular, I would like to thank Ken House, Clyde Woodle, Eric Vanschyndle, Ward McCarragher, Kathleen Zern, David Heymsfeld, Dara Schleiker, and Sheila Lockwood of Mr. OBERSTAR's staff. Additionally, I would like to thank Jim Tymon of Mr. YOUNG's staff for his willingness to work with me on the issue of Ferry Transportation.

I would also like to thank Tom Kearney, Tom Herritt and their colleagues at the Albany Office of the Federal Highway Administration, Nancy Ross, Fred Neveu, Ron Epstein and their colleagues at the New York State Department of Transportation, and Andra Horsch and David Woloch and their colleagues at the New York City Department of Transportation.

Ms. LEE. Mr. Chairman, I rise in support of H.R. 3, the Transportation Equity Act: A Legacy for Users.

Mr. Speaker, TEA-LU represents the Federal government's ongoing commitment to improving our Nation's entire transportation system for the benefit of everyone.

Our taxes pay for this infrastructure, and this infrastructure is the lifeblood of the commerce that fuels our Nation. The profits of every single business are dependent on this transportation network, and in turn, are dependent on our willingness to pay the taxes that fund this network.

The very existence of our roads, our highways, our rail lines, our ports and our airports is testament to the critical role of the Federal government as the embodiment of our collective responsibility.

It's the elegantly simple idea that by paying your taxes you improve the quality of life of every person in this country and lay the foundation for a strong economy that benefits everyone.

Federal, State and local governments, corporations, small businesses, individuals—all of us have a responsibility to contribute our share. It is our right to use this infrastructure, but it is also our duty to maintain and improve it for the future.

While we plan for the future, the benefits are real, now.

In my district this bill will provide funding to a number of worthwhile projects that will improve the quality of life for my constituents, the State of California and the entire Nation.

One project in particular that I'm very proud of is the Ed Roberts Campus. This state of the art project makes it easier for people with disabilities to get around. It links eight disability organizations to create a multi-tenant facility that will serve as an intermodal transit center as well as a transportation information and travel-training center for people with disabilities.

The Ed Roberts Campus will play a major role in assisting and teaching people with disabilities to live their lives independently. And because it will be located above the Ashby BART station in Berkeley, its reach will stretch throughout the entire Bay Area, simultaneously serving as a model for urban independent living throughout the Nation.

I'm proud to support the Ed Roberts Campus, and I'm happy to announce that \$3 million will go towards it through TEA-LU.

Another set of projects that I'm also very proud of are the transit oriented developments planned in the City of Oakland and the City of Emeryville. Transit oriented development is a relatively new concept that joins housing, business, public transportation and recreational areas into one liveable community.

We have been on the cutting edge of transit oriented development in my district from the very beginning. And last year's successful opening of the Fruitvale Transit Village in Oakland has served as a model for other transit oriented development projects in the Bay Area and throughout the country.

I'm happy to announce that TEA-LU will directly provide another \$2 million for such projects in Oakland and Emeryville.

Another issue of concern and an area where this bill makes an immediate impact for my constituents is the construction of sidewalks in several unincorporated areas in Ashland and Cherryland in my district.

Even though sidewalks are often taken for granted—for a child, the simple act of walking to school can be treacherous without them. Thanks to TEA-LU, we will have another \$1 million to construct those sidewalks and keep these kids safe in many neglected parts of my district.

The funding in TEA-LU for these and other projects is incredibly important to me and my constituents. But the truth is we need much more funding and not just in my district, but throughout the country.

Our transportation system is aging. The growth and sprawl of many of our cities has strained transportation networks throughout the country, and placed a greater burden on our environment.

I commend my colleagues on the Transportation and Infrastructure Committee for trying to address these problems through TEA-LU. But the President must also do his part and support more funding.

Make no mistake, this is not just about transportation. This is about jobs. This is about the health of our environment, and the health of our economy.

Every state, every city, and every member is invested in this piece of legislation, because this bill makes an investment in America.

The decisions we make today will affect the health of our nation for decades to come. And I hope that the President listens to us and makes the right one.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of the hard work of my colleagues, Chairman DON YOUNG, Ranking Member JIM OBERSTAR, Chairman TOM PETRI, and Ranking Member PETE DEFAZIO.

This legislation will help our nation keep up with its ever growing transportation needs, but I want to add that it does fall short.

It falls short because we have not indexed the gas tax or added the small increases necessary to allow the country to successfully grow.

The Department of Transportation estimated that it will take at least \$350 billion to keep up with our transportation needs, but the Administration has drawn a line in the sand at \$289 billion.

I would ask the President to look back at Texas, where the Republican leadership is now seriously considering indexing the Texas

state gas tax, as I proposed many years ago in the state legislature.

The gas tax is the easiest tax to defend for a politician, because the benefit to drivers is obvious, and if you don't use your car or truck on the roads, you don't have to pay it.

Now we forced into a situation where every new highway in America will be tolled, something my middle and low-income commuters and professional truck drivers vigorously oppose.

So I support this legislation, but I also support the re-opener provision that allows us to consider a gas tax index proposal in the future.

I also support further efforts in conference to increase the scope of the minimum guarantee and increase the rate of return on that minimum guarantee. Texas deserves at least 95 percent of the gas tax revenue that we pay into the system.

I support the efforts of the Majority Leader to improve our rate of return, but I also encourage him to study what his colleagues, including the Speaker of the Texas House, are considering for the state gas tax.

This legislation also included two projects of critical importance to my area in Houston, the reconstruction of Clinton Dr. near the Port of Houston and the construction of US90 from the Beltway into Loop 610.

Clinton Dr. is currently in a state of disrepair causing safety concerns and the constant maintenance work is a drain on local resources.

US90 will provide much needed mobility for Northeast Harris County, by completing a project that has been on the books for many years. Development along this corridor will be encouraged and greatly improve the area.

I want to thank Congressman TED POE for working with us on the US90 project, which will also benefit his constituents by providing another route into central Houston and by relieving traffic on I-10 east and US 59 North.

Mr. Chairman, I encourage my colleagues to vote for the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I insert into the RECORD an exchange of letters between myself and Chairman POMBO regarding H.R. 3.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, March 9, 2005.

Hon. DON YOUNG, Chairman,
Committee on Transportation, and Infrastructure,
Rayburn HOB Washington, DC.

DEAR MR. CHAIRMAN: I have reviewed the text of H.R. 3, the Transportation Equity Act: A Legacy for Users, as ordered reported from the Committee on Transportation and Infrastructure on March 2, 2005. I believe that the Committee on Resources has a substantial jurisdictional interest in many provisions of this important legislation including streamlining of procedures under the National Environmental Policy Act and resolving confusion on highway construction and section 106 of the National Historic Preservation Act

Further, this Committee maintains jurisdictional interests in provisions affecting recreational trails, highways on federal public lands (including national parks, Indian lands and public domain forest lands), the National Scenic Byways Program, projects to benefit wildlife, highway safety as it applies to Indian country.

Recognizing that this historic bill is scheduled to be considered by the House of Representatives this week, and noting the strong spirit of cooperation and coordination your staff has shown mine in the development of this bill, I will forego seeking a sequential referral of H.R. 3 to the Committee on Resources. Waiving the Committee on Resources' right to a referral in this case does not waive the Committee's jurisdiction over any provision in H.R. 3 or similar provisions in other bills. In addition, I ask that you support my request to have the Committee on Resources represented on the conference on this bill, if a conference is necessary. Finally, I ask that you include this letter in the Congressional Record during consideration of the bill.

Following your mark-up of H.R. 3, I want to acknowledge your efforts on the bill's environmental provisions, many of which touch upon Committee on Resources jurisdiction. I commend your efforts to streamline the environmental review process under the National Environmental Protection Act as well as Section 4(f) procedures. However, I do have serious concerns about the provision dealing with the pilot program for mass transit in National Parks. This provision address issues that lie squarely within the jurisdiction of the Committee on Resources and should be addressed in that context. Moreover, the bill passed last year by the Senate, S. 1075, contained a number of troubling provisions that I feel should not be included in any version of transportation legislation. These provisions include language relating to the Endangered Species Act and programs to address invasive species. Thank you for not including these provisions in your bill.

I appreciate your leadership and cooperation on this bill and I look forward to working with you to see that H.R. 3 is enacted into law soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, March 10, 2005.

Hon. RICHARD W. POMBO, Chairman,
Committee on Resources, Longworth HOB,
House of Representatives, Washington, DC 20515

DEAR MR. CHAIRMAN: Thank you for your letter of March 9, 2005, regarding H.R. 3, the Transportation Equity Act: A Legacy for Users. Your assistance in expediting consideration of the bill is very much appreciated.

I agree that there are provisions in the bill that are of jurisdictional interest to the Committee on Resources and I agree that by foregoing a sequential referral the Committee on Resources is not waiving its jurisdiction.

I would be pleased to support the representation of your Committee in any conference on H.R. 3 on matters within the jurisdiction of the Committee on Resources. And, as you have requested, I will include this exchange of letters in the Record. Thank you for your cooperation and your continued leadership and support in surface transportation matters.

Sincerely,

DON YOUNG,
Chairman.

Mr. SIMMONS. Mr. Chairman, I rise today in support of the "Transportation Equity Act: A Legacy for Users," a vitally important bill that will provide much-needed federal resources to

improve the highways and infrastructure in all fifty States.

Highway and transit spending is a critical investment in national security and essential to our country's economic welfare and way of life. This is especially relevant at a time when our economy is losing more than \$78 billion annually due to highway congestion. Mr. Speaker, Americans waste more than 3.6 billion hours in traffic delays, and thousands of Americans die each year due to substandard road conditions.

Further, this highway bill will create millions of quality, high-paying jobs across America and thousands in my home state of Connecticut. At a time when too many Americans are either unemployed or "underemployed," such construction and infrastructure work will contribute significantly to the quality of life for many working families.

I look forward to a healthy debate on the details of this bill, but there is no question that the overall benefits of this bill will be felt by every American family. When they use our improved and safer highways to get to work, school, church, vacation, or just home, Americans will appreciate the investment we will make with passage today of this legislation.

I know that my constituents in Connecticut's Second District will especially appreciate the investment made under this bill. The measure we will pass today includes \$45 million for high priority projects for towns across the Second District. Whether it is the resources to finally get construction of Route 11 moving, to build Vernon's intermodal center, to make improvements to Enfield's South Maple Street bridge, or any of the other projects included, TEA-LU delivers for eastern Connecticut.

Mr. Chairman, in 1956 the 84th Congress passed and President Eisenhower signed into law the Federal Aid Highway Act to promote and invest in the interstate highway system. This law created jobs, stimulated the economy, led to new revenues that reduced our Nation's debt, and brought life-changing improvements to the way Americans lived, worked, and played.

Nearly 50 years later, we must follow the same vision and courage that President Eisenhower and the Congress displayed then and once again invest in America by passing legislation to improve our Nation's highways and infrastructure.

Mr. KUHL of New York. Mr. Chairman, I rise today to encourage my senior colleagues in the upcoming conference on the highway bill to agree to a provision which will appear in the Senate highway bill to more cost effectively use funding under the Congestion Mitigation and Air Quality Improvement Program—the so-called CMAQ program.

CMAQ is a program which has been used in the past to fund air quality improvements. It's a good program, but I think we can make it a lot better. Here's how.

Congress asked the National Research Council of the National Academy of Sciences to examine the cost-effectiveness of the CMAQ program. The Council reported that CMAQ funding could be used more cost effectively in the future to reduce pollution caused by fine particulate matter. This pollution is the most serious threat to human health. It has also been found to be 10 to 20 times more

damaging to human health than other pollutants, like ozone, that have been historically the focus of CMAQ. And, EPA has found that excessive amounts of fine particulate matter are causing air quality problems for over 100 million people throughout the country.

The Senate amendment recognizes this reality and rebalances CMAQ toward the use of technologies which will reduce fine particulate matter. This change will focus CMAQ on the right issue. And, as importantly, it will result in a far more cost-effective use of limited government resources. The National Research Council found in its study commissioned by Congress that CMAQ is currently being used to fund projects that cost as much as \$252,000 per ton of pollution reduction. In the future, CMAQ can be spent on diesel retrofit technologies, made in my district, which can reduce pollution for a maximum of \$5,300 per ton—nearly a 50 times improvement in cost effectiveness. In fact, diesel retrofits, in many circumstances, are the most cost-effective way to use CMAQ funding.

In light of these facts, I strongly urge my senior colleagues who will be involved in the upcoming conference on the highway bill to adopt the Senate amendment to use CMAQ to fund the installation of diesel retrofit devices on heavy duty diesel vehicles used on construction sites. This amendment was included in last year's Senate bill and, from what I understand, will very likely be included in Chairman INHOFE's bill for consideration in his Committee next week. And, significantly, the Administration strongly endorsed the amendment during the debate over the highway bill last year.

Reduction of fine particulate matter emitted by heavy duty diesel vehicles has been a centerpiece of the President's environmental policy. He spoke about this during the Presidential debate. And, in his FY06 budget, he proposed the appropriation of \$25 million to deploy diesel retrofit technology on a range of heavy duty vehicles from school buses to dump trucks.

Mr. Chairman, I am very proud to promote the use of diesel retrofit technology because it was invented in my district by Corning Incorporated. As many of my colleagues know, Corning was founded by the great, great grandfather of our distinguished former colleague, Amo Houghton. Under the Houghton family leadership, Corning has been a technology leader. In fact, it will receive the Technology Medal of Honor next week by President Bush for its invention of the core element of a catalytic converter. Diesel retrofit technology was built on this core invention.

In closing, Mr. Chairman, I strongly urge the leadership to accept the Senate amendment in conference, because it will lead to the most cost-effective use of CMAQ, because it will advance the use of technology to clean up the biggest threat in the environment to human health, and because it is a centerpiece of the President's environmental policy.

Mr. KIND. Mr. Chairman, I rise in support of H.R. 3, the Transportation Equity Act. I want to acknowledge the work of the Transportation Committee on this complex bill and especially thank my friend and colleague from Wisconsin, Mr. PETRI, for his leadership on the legislation; the Wisconsin delegation is lucky

to have such a strong advocate for our citizens.

We all know that transportation bills are jobs bills, and now is certainly the time that we need more jobs throughout the country. I consistently hear from constituents who are searching for work; who have sent out dozens of résumés and updated their skills but remain unemployed. Each billion dollars spent on highway funding creates not only safer and better roads: it also creates an estimated 47,500 new jobs. An investment in highway funding is an investment for steady work for those in Wisconsin and around the nation.

Furthermore, I am pleased that the bill recognizes the importance of funding crucial highways and bridges in Wisconsin's Third Congressional District. Specifically, the inclusion of funding for the Stillwater Bridge, which connects Houlton, Wisconsin, and Stillwater, Minnesota, is great news for those of us who have been working on this project for years. The bridge is only one example of an important project that will provide the nation with safer roads, shorter commutes, and better jobs.

Finally, I would like to recognize the important conservation provisions that are retained in H.R. 3. These provisions include funding for refuge road maintenance, recreational trails and forest roads, as well as funding to facilitate fish passage. It also includes new money for signs to identify hunting and fishing areas accessible to the public. One of the most important provisions is authorization to facilitate a study to help reduce the growing number of highway accidents involving wildlife. I urge my colleagues to support the bill.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 3, the Transportation Equity Act: A Legacy for Users (TEA-LU). I commend Chairman DON YOUNG and Ranking Member JIM OBERSTAR of the Committee on Transportation for their leadership in drafting this legislation and I thank them for supporting my request to set aside \$16 million for high priority projects in American Samoa.

This funding is in addition to American Samoa's annual federal highway funds and will be used for village road improvements, drainage mitigation, shoreline protection and upgrades and repairs of the Ta'u ferry terminal facility.

In consultation with the Honorable Togiola Tulafono, Governor of American Samoa, we have set aside \$10 million for village road improvements in the Eastern, Western, Central and Manu'a districts of American Samoa.

In consultation with Senator Tuaolo Fruean and High Paramount Chief Mauga and members of the Pago Pago council of chiefs, we have set aside \$1 million for drainage mitigation for Pago Pago village roads.

In consultation with Senator Tago Suilefaiga, Representative Fagasoia Lealaitafea and Representative Mary Taufete'e and members of the Nuuli council of chiefs, we have set aside \$1 million for shoreline protection and drainage mitigation for Nuuli village roads.

In consultation with Senator Faivae Galea'i, Senator Lualemaga Faoa and members of the Leone and Malaeloa councils of chiefs, we have set aside \$1.4 million for drainage mitigation for Malaeloa-Leone village roads.

In consultation with Senator Liufau Sonoma and Representative Paopao Fi'ai, we have set aside \$1 million for shoreline protection and drainage mitigation in Aua village.

In consultation with Senator Faamausili Pola and members of the Ta'u village council of chiefs, we have set aside \$1.6 million to upgrade and repair the Ta'u harbor facility.

Like other insular areas, American Samoa will continue to receive its annual share of federal dollars provided by the Territorial Highway Program. The Territorial Highway Program includes American Samoa, Guam, the Virgin Islands and CNMI. Based on population, area, road mileage, or any combination of these factors, each Territory receives a portion of the funds allocated to the Territorial Highway Program.

To assure that American Samoa is treated equitably, I have worked closely with Chairman YOUNG and Ranking Member OBERSTAR to make sure that the administrative formula for apportionment is closely reviewed. It is my understanding that the Federal Highway Administration has not reviewed its administrative formula for ten years and I thank Chairman YOUNG and Ranking Member OBERSTAR for their commitment to revisit this issue.

Again, I commend the Chairman and Ranking Member for their leadership and for supporting my efforts to make sure that American Samoa's needs are addressed in this historic and important initiative. Without reservation, I urge my colleagues to vote yes on H.R. 3.

Mr. BOUCHER. Mr. Chairman, I rise today to express my strong support for the most effective use of the Congestion Mitigation and Air Quality program. H.R. 3, contains provisions which enable the continuation of CMAQ; however, these provisions do not include language included in the bill by the Senate in the last Congress which would alter CMAQ to ensure that new technologies which improve air quality are eligible for the funding. For example, diesel retrofits and anti-idling technologies are being used to achieve positive environmental results around the nation. Diesel retrofits, which operate much like the catalytic converter on a car, remove between 80 and 90 percent of pollutants from the exhaust stream of a diesel engine.

Because such technologies can remove pollution at a relatively low cost—approximately \$5,000 per ton of pollution removed—they would be an appropriate addition to the CMAQ program. Last year the Senate added to its version of the transportation bill a provision which would begin to focus CMAQ on more cost-effective applications including deployment of diesel retrofits and anti-idling technologies, to reduce the emissions caused by construction equipment. That provision will likely be included by the Senate again this year, and the Administration has endorsed the provision.

Use of new technologies such as diesel retrofits and anti-idling technologies could make significant improvements to the CMAQ program and reduce pollution in many areas, and I urge my colleagues to favorably consider adopting such provisions as this legislation moves forward.

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 restric-

tions 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.

Mr. RAHALL. Mr. Chairman, I rise today to voice my support for the transportation bill currently before us. TEA-LU was crafted as the result of bipartisan compromise, which is the tradition of the Transportation Committee.

I congratulate Chairman DON YOUNG, Ranking Member OBERSTAR, Chairman TOM PETRI and Ranking Member PETER DEFAZIO for bringing this bill to the floor. I also congratulate the staffs on both sides of the aisle for their hard work.

While I know I speak for many of us who would have preferred an increased funding level—more in line with the needs of our country this bill serves as a good first step as we move to reauthorize TEA-21.

Investment in transportation is one of the wisest decisions this Congress can make. For every \$1 billion spend on infrastructure, 47,500 new jobs are created. That is certainly welcome news in my home state of West Virginia.

Transportation funding also spurs economic growth and development. Goods and services are delivered more quickly and efficiently, which benefits both the producer and the consumer.

In West Virginia, we have tied transportation investment to technology and tourism. New and improved roads allow for the tourism industry to thrive and the seeds of enhanced technology to be planted. In sum, transportation investment is a win-win for southern West Virginia.

As a member of the Committee, I know how hard our Chairmen and Ranking Members have worked to bring this bill to the floor. I urge my colleagues to support the underlying bill.

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE
OF THE WHOLE

The Acting CHAIRMAN (Mr. LAHOOD). Pursuant to clause 6 of rule

XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: an amendment offered by the gentleman from Virginia (Mr. TOM DAVIS) and an amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 2 OFFERED BY MR. TOM DAVIS
OF VIRGINIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 201, not voting 9, as follows:

[Roll No. 62]

AYES—224

Abercrombie	Dent	Jindal
Aderholt	Diaz-Balart, L.	Johnson (CT)
Akin	Diaz-Balart, M.	Johnson, Sam
Alexander	Doolittle	Jones (NC)
Bachus	Drake	Keller
Baker	Dreier	Kelly
Barrett (SC)	Duncan	Kennedy (MN)
Bartlett (MD)	Edwards	King (IA)
Barton (TX)	Emerson	King (NY)
Bass	English (PA)	Kingston
Beauprez	Feeney	Kirk
Biggert	Ferguson	Kline
Bilirakis	Flake	Knollenberg
Bishop (UT)	Foley	Kolbe
Blackburn	Forbes	Kuhl (NY)
Blunt	Fortenberry	LaHood
Boehner	Fossella	Latham
Bonilla	Fox	LaTourette
Bonner	Franks (AZ)	Leach
Bono	Frelinghuysen	Lewis (CA)
Boozman	Gallely	Lewis (KY)
Boren	Garrett (NJ)	Linder
Boustany	Gerlach	LoBiondo
Bradley (NH)	Gibbons	Lucas
Brady (TX)	Gilchrest	Lungren, Daniel
Brown (SC)	Gillmor	E.
Brown-Waite,	Gohmert	Mack
Ginny	Goode	Manzullo
Burgess	Goodlatte	Marchant
Burton (IN)	Granger	McCaul (TX)
Buyer	Graves	McCotter
Calvert	Green (WI)	McCrery
Camp	Gutknecht	McHenry
Cannon	Hall	McHugh
Cantor	Harris	McKeon
Capito	Hart	McMorris
Carter	Hastings (WA)	Mica
Case	Hayes	Miller (FL)
Chabot	Hayworth	Miller (MI)
Chocola	Hefley	Miller, Gary
Coble	Hensarling	Moran (KS)
Cole (OK)	Herseth	Moran (VA)
Conaway	Hobson	Murphy
Cox	Hoekstra	Musgrave
Cramer	Hostettler	Myrick
Crenshaw	Hulshof	Neugebauer
Cubin	Hunter	Ney
Culberson	Hyde	Norwood
Cunningham	Inglis (SC)	Nunes
Davis (KY)	Insole	Nussle
Davis, Jo Ann	Issa	Osborne
Davis, Tom	Istook	Otter
Deal (GA)	Jenkins	Oxley

Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen

Royce
Ryan (WI)
Ryan (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo

Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Baird
DeLay
Evans

Herger
Northup
Ramstad

Rogers (AL)
Stupak
Weldon (PA)

□ 1403

Messrs. GRIJALVA, ACKERMAN, and BUTTERFIELD, Ms. ESHOO and Mr. MCINTYRE changed their vote from “aye” to “no.”

Messrs. SHAW, LEWIS of Kentucky, LEWIS of California, BROWN of South Carolina, OTTER, SHUSTER, KINGSTON, McKEON, ABERCROMBIE, SNYDER, and OSBORNE, Mrs. WILSON of New Mexico, and Mrs. JOHNSON of Connecticut, changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. WELDON of Pennsylvania. Mr. Chairman today, I was requested to testify before the U.S. China Commission. Therefore, on rollcall vote 62 for H.R. 3, I was not recorded to vote. Had I been recorded, I would have voted “aye” for the amendment.

AMENDMENT NO. 8 OFFERED BY MR. PITTS

The Acting CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 197, not voting 9, as follows:

[Roll No. 63]

AYES—228

Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLuca
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gingrey
Gonzalez
Gordon

Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchee
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-Farr
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano

Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabó
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)

Aderholt
Akin
Alexander
Baca
Baker
Baldwin
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Billirakis
Bishop (GA)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite,
Ginny
Burgess

Buyer
Cantor
Cardin
Carnahan
Carter
Chabot
Chocola
Clay
Cleaver
Coble
Cole (OK)
Cooper
Costa
Cramer
Crenshaw
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Delahunt
Dent
Brown, L.
Diaz-Balart, M.
Ginny
Doggett
Drake

Duncan
Edwards
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves

Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Kolbe
LaHood
Latham
Leach
Lewis (GA)
Lewis (KY)
Linder
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo

Marchant
Markey
Marshall
McCaul (TX)
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (NC)
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Muschgrave
Myrick
Neal (MA)
Neugebauer
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Price (NC)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes

Abercrombie
Ackerman
Allen
Andrews
Bachus
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Blackburn
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (SC)
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardoza
Carson
Case
Castle
Chandler
Clyburn
Conaway
Conyers
Costello
Cox
Crowley
Cubin
Cummings
Davis (CA)

NOES—197

Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doolittle
Doyle
Dreier
Ehlers
Emanuel
Eshoo
LaTourette
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Gallegly
Gilchrest
Gordon
Grijalva
Gutierrez
Harman
Hastings (WA)
Hefley
Hersteth
Higgins
Hinchee
Hobson
Hoekstra
Holt
Honda
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam

Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lungren, Daniel E.
Matheson
Matsui
McCarthy
McCollum (MN)
McCrary
McDermott
McHugh
McNulty
Meeks (NY)
Menendez
Michaud
Millender-Farr
McDonald
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano

Ney	Rush	Tanner
Norwood	Ryan (OH)	Taylor (NC)
Oberstar	Sabo	Thomas
Obey	Salazar	Thompson (CA)
Owens	Sánchez, Linda	Thompson (MS)
Pallone	T.	Tiberi
Pascarell	Sanchez, Loretta	Towns
Pastor	Sanders	Upton
Payne	Saxton	Van Hollen
Pearce	Schakowsky	Velázquez
Pelosi	Sensenbrenner	Visclosky
Peterson (MN)	Serrano	Walden (OR)
Petri	Shaw	Walsh
Pickering	Sherman	Wasserman
Pomeroy	Simpson	Schultz
Pryce (OH)	Smith (NJ)	Waters
Rahall	Smith (WA)	Waxman
Rangel	Snyder	Weiner
Reichert	Sodrel	Wexler
Rogers (KY)	Solis	Wicker
Ross	Spratt	Wilson (SC)
Rothman	Stark	Young (AK)
Roybal-Allard	Stearns	
Royce	Strickland	

NOT VOTING—9

Baird	Northup	Slaughter
DeLay	Ramstad	Stupak
Evans	Rogers (AL)	Weldon (PA)

□ 1411

Mr. BISHOP of Georgia changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. WELDON of Pennsylvania. Mr. Chairman, today, I was requested to testify before the U.S. China Commission. Therefore, on rollcall vote 63 for H.R. 3, I was not recorded to vote. Had I been recorded, I would have voted “aye” for the amendment.

The Acting CHAIRMAN. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, the Acting 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. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, pursuant to House Resolution 144, he reported the bill, as amended pursuant to House Resolution 140, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HIGGINS

Mr. HIGGINS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HIGGINS. Mr. Speaker, I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Higgins moves to recommit the bill H.R. 3 to the Committee on Transportation and Infrastructure and the Committee on Ways and Means with instructions to report the same back to the House promptly with the following amendments:

(1) To increase funding for the highway, highway safety, transit, motor carrier safety, and highway research programs to a total of not less than \$318,000,000,000 of budget authority and \$301,000,000,000 of guaranteed funding.

(2) To distribute this increased funding to the States through the core highway and transit formula programs for State and local highway and transit infrastructure investments.

(3) To offset this increased infrastructure investment by raising \$34,000,000,000 over the next five years by eliminating the current tax incentives for companies to move jobs and operations offshore.

The SPEAKER pro tempore. The gentleman from New York (Mr. HIGGINS) is recognized for 5 minutes.

Mr. HIGGINS. Mr. Speaker, our Chamber is in its final moments of consideration of this landmark bill which proposes \$284 billion worth of Federal investments in transportation infrastructure across this Nation.

This measure represents so much to each of our districts. It is the embodiment of roads and transit systems that will be either newly built or rehabilitated to aid safe and efficient travel. It will spark an abundance of economic development and create millions of jobs specifically to carry out this transportation work.

I have been grateful for the opportunity during my first few weeks as a Member of this body to work alongside Chairman YOUNG and Ranking Member OBERSTAR on this legislation which will do so much for western New York. But I believe that before we submit to final passage of the bill, we must first acknowledge the fact that we should and can do more.

The President has signaled that he will support a transportation bill that spends no more than \$284 billion in guaranteed funding over 6 years. This number is simply arbitrary and could easily be increased, a fact that was demonstrated by the other body’s version of transportation reauthorization last year.

□ 1415

My motion demonstrates one way in which we can match their level of guaranteed funding, \$318 billion, for even more transportation, economic and safety initiatives within this measure.

Specifically, this motion proposes to close a number of offshore loopholes that are enabling American companies to move jobs abroad, avoiding paying U.S. taxes in the process. In closing

these loopholes, we are raising an additional \$34 billion, not from an increase in the gasoline tax, but instead by abolishing unfair tax shelters that are strangling job creation and growth in our country.

Seventy-two members of the other body voted to federally fund our transportation expenditures at \$318 billion last year. If we can find a way to match that funding without raising the gasoline tax, without falling deeper into deficit, then I for one believe it is our responsibility to pursue that option.

This motion to recommit would mean \$34 billion more in Federal infrastructure investments, as well as the final eradication of a number of unfair tax shelters that are weakening economic development efforts throughout our Nation. The motion would bring 100,000 additional jobs to my own State of New York, and countless more to the rest of the country. I hope that I may count on my colleagues to support this important measure.

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

Mr. YOUNG of Alaska. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Alaska is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion to recommit. I want to remind my fellow colleagues that this is a very well-crafted, bipartisan effort and this would disrupt what I would say is a great chariot that is going to go off on to the horizon and become law.

Mr. Speaker, I oppose the motion.

Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank my chairman for yielding me this brief period of time.

Mr. Speaker, I would say to the gentleman from New York (Mr. HIGGINS), welcome to the House.

Under the motion to recommit, if in fact “promptly” is included in the first paragraph, it means that this is not a motion to recommit.

I was just waiting for the gentleman, because he is probably the one that told the gentleman to do this.

On “promptly,” it kills the bill. So all of the statements the gentleman made about the jobs that were going to come to western New York and the dollar amounts that the gentleman is putting in the bill have no standing whatsoever, because by including “promptly” in the motion to recommit, the gentleman is in fact killing the bill.

In addition, the gentleman said that he wanted to try to match the Senate’s amount of \$318 billion last year. The reason we did not have a highway bill

last year was because the Senate was at \$318 billion. In the conference, we urged the Senate to agree at \$283.9 billion. The conference failed. This year the Senate is at \$283.9 billion; the House is at \$283.9 billion. We actually have a chance to get a highway bill.

But probably the most interesting and ironic part of the gentleman's motion to recommit, notwithstanding the fact it has no application, is the fact that the Highway Trust Fund is actually a user's fee; that people who use the highways raise the money to help build the highways. And the gentleman is looking to raise the additional money for the user-fee Highway Trust Fund from those companies who have left the country. So they are not using the highways, but the gentleman wants to have them pay.

So if the gentleman wants to work a motion to recommit that actually can work and that you can actually raise money and you can actually get it from people who use the Highway Trust Fund, I look forward to working with the gentleman. But if this is the effort conceived and delivered on the other side, I would urge my colleagues to vote this down, because if you really want a highway bill this year, the vote on the motion to recommit is "no." If you really do want to kill it once again and give the gentleman from Alaska (Chairman YOUNG) an opportunity to work yet again in another Congress, you will vote yes on this ill-conceived motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. HIGGINS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 190, noes 235, not voting 10, as follows:

[Roll No. 64]

AYES—190

Abercrombie	Bishop (GA)	Cardin
Ackerman	Bishop (NY)	Cardoza
Allen	Blumenauer	Carnahan
Andrews	Boswell	Carson
Baca	Boucher	Chandler
Baldwin	Boyd	Clay
Barrow	Brady (PA)	Cleaver
Bean	Brown (OH)	Clyburn
Becerra	Brown, Corrine	Conyers
Berkley	Butterfield	Costa
Berman	Capps	Costello
Berry	Capuano	Cramer

Crowley	Kildee	Peterson (MN)
Cuellar	Kilpatrick (MI)	Pomeroy
Cummings	Kind	Price (NC)
Davis (CA)	Kucinich	Rahall
Davis (FL)	Langevin	Rangel
Davis (IL)	Lantos	Reyes
Davis (TN)	Larsen (WA)	Ross
DeFazio	Larson (CT)	Rothman
DeGette	Lee	Roybal-Allard
Delahunt	Levin	Ruppersberger
DeLauro	Lewis (GA)	Rush
Dicks	Lipinski	Ryan (OH)
Dingell	Lofgren, Zoe	Salazar
Doggett	Lowey	Sánchez, Linda
Doyle	Lynch	T.
Edwards	Maloney	Sanchez, Loretta
Emanuel	Markey	Sanders
Engel	Marshall	Schakowsky
Eshoo	Matsui	Schiff
Etheridge	McCarthy	Schwartz (PA)
Farr	McCollum (MN)	Scott (GA)
Fattah	McDermott	Scott (VA)
Filner	McGovern	Serrano
Ford	McIntyre	Sherman
Frank (MA)	McKinney	Skelton
Gonzalez	McNulty	Smith (WA)
Gordon	Meehan	Solis
Green, Al	Meek (FL)	Spratt
Green, Gene	Meeks (NY)	Stark
Grijalva	Melancon	Strickland
Gutierrez	Menendez	Tanner
Harman	Michaud	Tauscher
Hastings (FL)	Millender-	Thompson (CA)
Herseth	McDonald	Thompson (MS)
Higgins	Miller (NC)	Tierney
Hinchey	Miller, George	Towns
Hinojosa	Mollohan	Udall (CO)
Holden	Moore (WI)	Udall (NM)
Holt	Moran (VA)	Van Hollen
Honda	Murtha	Velázquez
Hooley	Nadler	Visclosky
Hoyer	Napolitano	Wasserman
Inslee	Neal (MA)	Schultz
Israel	Oberstar	Waters
Jackson (IL)	Obey	Oliver
Jackson-Lee	Ortiz	Watt
(TX)	Owens	Waxman
Jefferson	Pallone	Weimer
Johnson, E. B.	Pascrell	Wexler
Jones (OH)	Pastor	Woolsey
Kanjorski	Payne	Wu
Kaptur	Pelosi	Wynn
Kennedy (RI)		

NOES—235

Aderholt	Chocola	Gibbons
Akin	Coble	Gilchrest
Alexander	Cole (OK)	Gillmor
Bachus	Conaway	Gingrey
Baker	Cooper	Gohmert
Barrett (SC)	Cox	Goode
Bartlett (MD)	Crenshaw	Goodlatte
Barton (TX)	Cubin	Granger
Bass	Culberson	Graves
Beauprez	Cunningham	Green (WI)
Biggert	Davis (AL)	Gutknecht
Bilirakis	Davis (KY)	Hall
Bishop (UT)	Davis, Jo Ann	Harris
Blackburn	Davis, Tom	Hart
Blunt	Deal (GA)	Hastert
Boehrlert	Dent	Hastings (WA)
Boehner	Diaz-Balart, L.	Hayes
Bonilla	Diaz-Balart, M.	Hayworth
Bonner	Doolittle	Hefley
Bono	Drake	Hensarling
Boozman	Dreier	Herger
Boren	Duncan	Hobson
Boustany	Ehlers	Hoekstra
Bradley (NH)	Emerson	Hostettler
Brady (TX)	English (PA)	Hulshof
Brown (SC)	Everett	Hunter
Brown-Waite,	Feeney	Hyde
Ginny	Ferguson	Inglis (SC)
Burgess	Fitzpatrick (PA)	Issa
Burton (IN)	Flake	Istook
Buyer	Foley	Jenkins
Calvert	Forbes	Jindal
Camp	Fortenberry	Johnson (CT)
Cannon	Fossella	Johnson (IL)
Cantor	Fox	Johnson, Sam
Capito	Franks (AZ)	Jones (NC)
Carter	Frelinghuysen	Keller
Case	Garrett (NJ)	Kelly
Castle	Gerlach	Kennedy (MN)
Chabot		King (IA)

King (NY)	Ney	Shadegg
Kingston	Norwood	Shaw
Kirk	Nunes	Shays
Kline	Nussle	Sherwood
Knollenberg	Osborne	Shimkus
Kolbe	Otter	Shuster
Kuhl (NY)	Oxley	Simmons
LaHood	Paul	Simpson
Latham	Pearce	Smith (NJ)
LaTourette	Pence	Smith (TX)
Leach	Peterson (PA)	Snyder
Lewis (CA)	Petri	Sodrel
Lewis (KY)	Pickering	Souder
Linder	Pitts	Stearns
LoBiondo	Platts	Sullivan
Lucas	Poe	Sweeney
Lungren, Daniel	Pombo	Tancredo
E.	Porter	Taylor (MS)
Mack	Portman	Taylor (NC)
Manzullo	Price (GA)	Terry
Marchant	Pryce (OH)	Thomas
Matheson	Putnam	Thornberry
McCaul (TX)	Radanovich	Tiahrt
McCotter	Regula	Tiberi
McCreery	Rehberg	Turner
McHenry	Reichert	Upton
McHugh	Renzi	Walden (OR)
McKeon	Reynolds	Walsh
McMorris	Rogers (KY)	Wamp
Mica	Rogers (MI)	Weldon (PA)
Miller (FL)	Rohrabacher	Weller
Miller (MI)	Ros-Lehtinen	Westmoreland
Miller, Gary	Royce	Whitfield
Moore (KS)	Ryan (WI)	Wicker
Moran (KS)	Ryun (KS)	Wilson (NM)
Murphy	Saxton	Wilson (SC)
Musgrave	Schwarz (MI)	Wolf
Myrick	Sensenbrenner	Young (AK)
Neugebauer	Sessions	Young (FL)

NOT VOTING—10

Baird	Ramstad	Stupak
DeLay	Rogers (AL)	Weldon (FL)
Evans	Sabo	
Northup	Slaughter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1441

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

Messrs. HASTINGS of Florida, TANNER, WYNN, and MURTHA, and Ms. BEAN changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 9, not voting 9, as follows:

[Roll No. 65]

YEAS—417

Abercrombie	Bachus	Bean
Ackerman	Baker	Beauprez
Aderholt	Baldwin	Becerra
Akin	Barrett (SC)	Berkley
Alexander	Barrow	Berman
Allen	Bartlett (MD)	Berry
Andrews	Barton (TX)	Biggert
Baca	Bass	Bilirakis

Bishop (GA) Farr
 Bishop (NY) Fattah
 Bishop (UT) Feeney
 Blackburn Ferguson
 Blumenauer Filner
 Blunt Fitzpatrick (PA)
 Boehlert Foley
 Bonilla Forbes
 Bonner Ford
 Bono Fortenberry
 Boozman Fossella
 Boren Foxx
 Boswell Frank (MA)
 Boucher Franks (AZ)
 Boustany Frelinghuysen
 Boyd Gallegly
 Bradley (NH) Garrett (NJ)
 Brady (PA) Gerlach
 Brady (TX) Gibbons
 Brown (OH) Gilchrest
 Brown (SC) Gillmor
 Brown, Corrine Gingrey
 Brown-Waite, Gohmert
 Ginny Gonzalez
 Burgess Goode
 Burton (IN) Goodlatte
 Butterfield Gordon
 Buyer Granger
 Calvert Graves
 Camp Green (WI)
 Cannon Green, Al
 Cantor Green, Gene
 Capito Grijalva
 Capps Gutierrez
 Capuano Gutknecht
 Cardin Hall
 Cardoza Harman
 Carnahan Harris
 Carson Hart
 Carter Hastert
 Case Hastings (FL)
 Chabot Hastings (WA)
 Chandler Hayes
 Chocola Hayworth
 Clay Hefley
 Cleaver Hemsarling
 Clyburn Herger
 Coble Herseth
 Cole (OK) Higgins
 Conaway Hinchey
 Conyers Hinojosa
 Cooper Hobson
 Costa Hoekstra
 Costello Holden
 Cox Holt
 Cramer Honda
 Crenshaw Hooley
 Crowley Hostettler
 Cubin Hoyer
 Cuellar Hulshof
 Culberson Hunter
 Cummings Hyde
 Cunningham Inglis (SC)
 Davis (AL) Inslee
 Davis (CA) Israel
 Davis (FL) Issa
 Davis (IL) Istook
 Davis (KY) Jackson (IL)
 Davis (TN) Jackson-Lee
 Davis, Jo Ann (TX)
 Davis, Tom Jefferson
 Deal (GA) Jenkins
 DeFazio Jindal
 DeGette Johnson (CT)
 Delahunt Johnson (IL)
 DeLauro Johnson, E. B.
 Dent Johnson, Sam
 Diaz-Balart, L. Jones (OH)
 Diaz-Balart, M. Kanjorski
 Dicks Kaptur
 Dingell Keller
 Doggett Kelly
 Doolittle Kennedy (MN)
 Doyle Kennedy (RI)
 Drake Kildee
 Dreier Kilpatrick (MI)
 Duncan Kind
 Edwards King (IA)
 Ehlers King (NY)
 Emanuel Kingston
 Emerson Kirk
 Engel Kline
 English (PA) Knollenberg
 Eshoo Kolbe
 Etheridge Kucinich
 Everrett Kuhl (NY)

LaHood
 Langevin
 Lantos
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Leach
 Lee
 Levin
 Lewis (CA)
 Lewis (GA)
 Lewis (KY)
 Linder
 Lipinski
 LoBiondo
 Lofgren, Zoe
 Lowey
 Lucas
 Lungren, Daniel
 E.
 Lynch
 Mack
 Maloney
 Manzullo
 Marchant
 Markey
 Marshall
 Matheson
 Matsui
 McCarthy
 McCaul (TX)
 McCollum (MN)
 McCotter
 McCreery
 McDermott
 McGovern
 McHenry
 McHugh
 McIntyre
 McKeon
 McKinney
 McMorris
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Melancon
 Menendez
 Mica
 Michaud
 Millender-
 McDonald
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy
 Murtha
 Musgrave
 Myrick
 Nadler
 Napolitano
 Neal (MA)
 Neugebauer
 Ney
 Norwood
 Nunes
 Nussie
 Oberstar
 Obey
 Olver
 Ortiz
 Osborne
 Owens
 Oxley
 Pallone
 Pascrell
 Pastor
 Payne
 Pearce
 Pelosi
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Pickering
 Pitts
 Platts
 Poe

Pombo
 Pomeroy
 Porter
 Portman
 Price (GA)
 Price (NC)
 Pryce (OH)
 Putnam
 Radanovich
 Rahall
 Rangel
 Regula
 Rehberg
 Reichert
 Renzi
 Reyes
 Reynolds
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Rothman
 Roybal-Allard
 Royce
 Ruppertsberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Ryan (KS)
 Sabo
 Salazar
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Saxton

Shakowsky
 Schiff
 Schwartz (PA)
 Schwarz (MI)
 Scott (GA)
 Scott (VA)
 Serrano
 Sessions
 Shaw
 Shays
 Sherman
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Skelton
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Sodrel
 Solis
 Souder
 Spratt
 Stark
 Stearns
 Strickland
 Sullivan
 Sweeney
 Tancred
 Tanner
 Tauscher
 Taylor (MS)
 Taylor (NC)
 Terry
 Thomas

Thompson (CA)
 Thompson (MS)
 Tiahrt
 Tiberi
 Tierney
 Towns
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velázquez
 Vislosky
 Walden (OR)
 Walsh
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Weldon (FL)
 Weldon (PA)
 Weller
 Westmoreland
 Wexler
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Woolsey
 Wu
 Wynn
 Young (AK)

Boehner
 Castle
 Flake
 Baird
 DeLay
 Evans
 Otter
 Paul
 Sensenbrenner
 Jones (NC)
 Northup
 Ramstad
 Rogers (AL)
 Slaughter
 Stupak

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

LEGISLATIVE PROGRAM

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I take this time to ask the gentleman from California (Mr. DREIER) about the schedule for next week.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, as Members have noticed, we have completed our legislative work for the week, and the House will convene on Monday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes on those measures that are debated on Monday will be taken at 6:30 p.m. on Monday.

On Tuesday and the balance of the week, the House will convene at 10 a.m.; it is important to know that it is 10 a.m. on Tuesday, for legislative business. We expect to consider two bills under a rule, the Emergency Wartime Supplemental and the Budget Resolution for Fiscal Year 2006.

Finally, I would like to remind all Members that next week is a 5-day work week. We will have votes on Monday, and it will be a very, very active week as we head into the recess. We may work some late nights next week. It is quite possible that there will be votes; Members should expect them on Friday as we head into the spring district work period.

Mr. LEWIS of Georgia. Mr. Speaker, I would like for my friend, the gentleman from California (Mr. DREIER), if he could, to be a little more definite about next Friday.

Mr. DREIER. As the gentleman knows, we have these two critically important measures that need to be considered next week, the supplemental appropriations bill, which is a very high priority to ensure that our men and women in uniform in Iraq have the resources necessary to complete their very important job over there. We all know there is strong bipartisan support for our troops. And of course, making sure that we complete the important budget resolution.

In light of the fact that we have those two priorities that need to be addressed next week, I am saying I think it is quite possible that Members could anticipate votes on Friday.

There was no objection.

LEGISLATIVE PROGRAM

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NAYS—9

NOT VOTING—9

□ 1451

So the bill was passed.
 The result of the vote was above recorded.

The motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 3, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Alaska?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?